

## KENTUCKY

Henry W. Bishop, Falmouth.

## NEBRASKA

Lafayette O. Roblee, Lewellen.

## NORTH CAROLINA

Paul E. Bruce, Mars Hill.  
 Arthur H. Gibbs, Whittier.  
 Mary F. Hight, Youngsville.

## WYOMING

C. Golden Welch, Cowley.

## WITHDRAWAL

*Executive nomination withdrawn from the Senate February 14  
 (legislative day of February 13), 1928*

## POSTMASTER

## OREGON

Elizabeth C. Lewis to be postmaster at Tigard, in the State of Oregon.

## HOUSE OF REPRESENTATIVES

TUESDAY, February 14, 1928

The House met at 12 o'clock noon, and was called to order by Mr. TILSON as Speaker pro tempore.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We breathe our hearts' deep love to Thee, our Father, while sweet and tender memories steal over our souls. We thank Thee for health and for all the gifts Thy love imparts. So do Thou incline our hearts to seek the altar of prayer and thanksgiving. Just now let us hear Thy voice, catch its music, behold the day, and be glad. Soften our wills that we may sympathize with one another's failures. In every way lead us to magnify Thy name in human lives and homes. O Thou who dost ever sit at the fireside of the human heart; O Thou who hast never lifted a hand to smite, but is ever aloft in holy benediction, remind us that every self-surrender of man to his own higher self is met by the self-revelation of God. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

## MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 3926. An act for the relief of Joseph Jameson; and  
 H. R. 6487. An act authorizing the Baton Rouge-Mississippi River Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Baton Rouge, La.

## LETTER FROM ADMIRAL PHILIP ANDREWS CONCERNING COLONEL LINDBERGH

Mr. DOUGLASS of Massachusetts rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Massachusetts rise?

Mr. DOUGLASS of Massachusetts. To ask unanimous consent that I may proceed for five minutes on an important matter.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. DOUGLASS of Massachusetts. Mr. Speaker and Members of the House, on Friday last my Democratic colleague from Oklahoma [Mr. McCLINTIC] made reference here to certain remarks attributed in the press to Rear Admiral Philip Andrews, commandant of the Boston Navy Yard, which is located in my district. Admiral Andrews in delivering an address in Boston referred to the historic New York to Paris flight of that great American, Colonel Lindbergh, and I feel that Mr. McCLINTIC's criticism of Admiral Andrews's remarks was the result of the latter being inaccurately reported as having stated that Colonel Lindbergh's success on his trans-Atlantic trip was but a matter of mere luck.

This morning I received from Admiral Andrews a letter upon the subject, which I would like to read into the RECORD that it may serve to correct the misunderstanding that has arisen in the matter.

The high character and splendid record of Admiral Andrews gives accepted credence to his explanation. I have known the admiral personally for some years, meeting him often in an official capacity at the navy yard situated in Charlestown, which so vitally concerns my constituency. Permit me to say that in the entire United States service I do not believe there is a more efficient, more honorable, or more liberal officer than Admiral Andrews. In my estimation he is far too broad-minded and possessed too well with the capacity to judge genuine values to belittle or minimize the magnificent and inspiring accomplishments of his fellow patriot, Colonel Lindbergh.

His great talents and remarkable energy are now being given enthusiastically to the work of raising funds for the preservation of the historic frigate, the *Constitution*, and it will be due in a great measure to his efforts in this matter that *Old Ironsides* will continue to be a patriotic inspiration to all Americans.

Admiral Andrews's letter is as follows:

DISTRICT STAFF HEADQUARTERS,  
 FIRST NAVAL DISTRICT,  
 Navy Yard, Boston, February 11, 1928.

DEAR MR. DOUGLASS: I was told of a few critical remarks made in the House of Representatives by Congressman McCLINTIC, of Oklahoma, in regard to what he saw in the papers on the talk which I gave to the Men's Club of the Park Street Church in Boston.

I suppose he must have realized that any few words in the paper on a talk which took a half an hour would not be complete enough to give much of an idea of what I really said. I don't know Mr. McCLINTIC, and while I made some responses to the inquiries of the press associations here, what they printed was very incomplete, too, though good as far as it went. I wish you would tell Mr. McCLINTIC that he happened this time to get a very incomplete account of what I said, and also that I am not one of those opposed to aviation, as he seems to think. Also, I am not in the least disposed to offer any criticism of Lindbergh, for whom I have a whole-hearted admiration.

I have, as you know, a son-in-law who has been a naval aviator for about six years—Lieut. C. C. Champion—who holds the altitude records for both landplanes and seaplanes. He is the remarkable person who fell 7 miles last July over the city of Washington and had the cylinder heads and pistons of his motor blow out, had four fires on the way down, and managed to put them out and land his plane without any other damage except the holes made in it by the flying missiles. I am rather proud of him and his accomplishments. I am more than proud of Lindbergh and think that he is without doubt the greatest aviator in the world. I believe, too, what nobody has ever said before, that Lindbergh is probably the one man who could repeat his performance of flying from New York to Paris. I believe he could do that successfully again.

What I was trying to point out to this very small assemblage of about 30 people—and I may say that I made a very rambling talk, without any notes or without any preparation—was that the weather was such a determining factor in the success of very long distance flights, and I was talking about the possibility of carrying freight and passengers across the Atlantic Ocean, and was stressing particularly the great influence the wind had, and I stated that I did not think a regular service across the Atlantic was possible in the present development of the airplane unless we got a new and much lighter fuel than we have at the present time.

There was nothing that I said that reflected on Lindbergh in any way, but I am sure that if Mr. McCLINTIC himself had heard all that I said that he would have entirely agreed with it. I mentioned the fact that Lindbergh with great judgment had picked out one of the two occasions when the weather during that summer was favorable for such a flight.

You know how efficient and what a high standing our Naval Reserve aviation station at Squantum has. That is, I think, partly due to my encouraging attitude toward aviation, which everybody about here thoroughly understands.

I also told the press people that I didn't get my opinions from Secretary Wilbur or anybody else in Washington, and that I had had no talk with anybody there on the subject of aviation. If I knew Mr. McCLINTIC, I would write him myself, but I feel sure that you can tell him that I am not an "anti" in the least. Also, I might say that Lindbergh has done more for international good will than any 40 diplomats that could be imagined, and also I have felt somewhat fearful, in his making so many trips around this country and over Central and South America, of something happening to him. And to have any accident befall him would be nothing short of a national calamity. So that's that.

With kind regards to you and your family,

Very sincerely yours,

PHILIP ANDREWS,  
 Rear Admiral, United States Navy.

Hon. JOHN J. DOUGLASS,

House of Representatives, Washington, D. C.

[Applause.]

PERMISSION TO A COMMITTEE TO SIT DURING THE SESSIONS OF THE HOUSE

Mr. DYER rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Missouri rise?

Mr. DYER. To ask unanimous consent that the Committee on the Judiciary may sit during the sessions of the House to-morrow.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent that the Committee on the Judiciary may sit to-morrow during the sessions of the House. Is there objection?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that to-morrow, immediately after the reading of the Journal, I may speak for 15 minutes with reference to the bill S. 700, having to do with the Middle Rio Grande conservancy district.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent that to-morrow, immediately after the reading of the Journal, he may address the House for 15 minutes on the subject indicated by him. Is there objection?

There was no objection.

CONSTRUCTION AT MILITARY POSTS

Mr. JAMES. Mr. Speaker, I call up the conference report on the bill (H. R. 7009) to authorize appropriations for construction at military posts, and for other purposes.

The SPEAKER pro tempore. The gentleman from Michigan calls up the conference report on the bill H. R. 7009. The Clerk will read the conference report.

The conference report was read.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7009) to authorize appropriations for construction at military posts, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 5, and 6, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of "\$6,792,191" insert "\$6,695,691"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "and armament building, \$61,000; school building, \$40,000; gasoline and oil storage, \$16,900; paint, oil, and dope storage, \$5,000; night-flying lighting system, \$15,000; improvement of landing field \$81,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the language stricken out insert: "Scott Field, Ill., gas holder, \$49,500"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the language proposed by the Senate amendment insert the following: "; Fort Leavenworth, Kans., one hangar, \$40,000; field warehouse and shop, \$45,000; headquarters building, \$20,000; gasoline and oil storage, \$5,000; night-flying lighting system, \$10,000; Walter Reed General Hospital, in the District of Columbia, for the construction of a three-story ward building, for conversion of the fourth story of the present administration building of said hospital into an operating suite, including the construction of the necessary corridors, roads, walks, grading utilities, and appurtenances thereto, \$310,000; the United States Military Academy, West Point, N. Y., for the purpose of razing the old cadet mess hall, and of preparing the plans and specifications and of excavating the ground and otherwise preparing the site for the construction of a new cadet barracks at the United States Military Academy (the total cost of which is not to exceed \$825,000), \$185,000: *Provided*, That the Superintendent of the United States Military Academy, West Point, N. Y., with the approval of the Secretary of War, is authorized to employ architects to draw the necessary plans

and specifications from funds herein authorized, when appropriated; Fort Benjamin Harrison, barracks and motion-picture theater, \$400,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the language proposed by the Senate amendment insert the following:

"There is hereby authorized to be constructed from current funds in possession of the Secretary of War, 96 sets of bachelor officers' quarters at Schofield Barracks, Hawaii, \$108,000; an addition to ward building (hospital), Fort Sill, Okla., \$30,000."

And the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the language proposed by the Senate amendment insert the following:

"The act entitled 'An act to authorize appropriations for construction at military posts, and for other purposes,' approved March 3, 1927, is hereby amended so as to strike out the authorization therein for \$500,000 for barracks at Fort Benning, Ga., and to substitute therefor the following: 'For Fort Benning, Ga., barracks, \$300,000; to complete the hospital, \$135,000; to construct nurses' quarters, \$65,000.'"

And the Senate agree to the same.

JOHN M. MORIN,

W. FRANK JAMES,

JOHN J. MCSWAIN,

*Managers on the part of the House.*

DAVID A. REED,

FRANK L. GREENE,

DUNCAN U. FLETCHER,

*Managers on the part of the Senate.*

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7009) to authorize appropriations for construction at military posts, and for other purposes, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

On No. 1: Strikes out the total carried in the bill and substitutes the total brought about by the changes agreed to by the conference committee.

On Nos. 2 and 3: The Assistant Secretary of War in charge of aviation asked that the language passed by the House be changed and the new figures be inserted because further study of the project made necessary the increased authorization.

On No. 4: This amendment was adopted at the suggestion of the Chief of the Air Corps because it was for this building the increased amount is desired.

On Nos. 5 and 6: The Assistant Secretary of War for Aeronautics stated that the amount carried in the bill as it passed the Senate was necessary for the building program at the new primary flying school in order to insure a complete project.

On No. 7: The gas holder at Scott Field, Ill., is merely the completion of a unit for the new plant being constructed at that field and as such is a necessary item. The word "hydrogen" was stricken from the bill because the gas holder is to contain helium.

On No. 8: The House passed H. R. 9567, to authorize appropriations for the construction at Fort Leavenworth, Kans., and for other purposes, introduced by Hon. DANIEL R. ANTHONY, Jr., and the Senate included the item in this measure. The House also passed H. R. 9676, providing for construction at Walter Reed General Hospital, and H. R. 9202, authorizing construction at the United States Military Academy, West Point, N. Y., and these items also are carried in this amendment. The item for Fort Benjamin Harrison was reduced because there are only 440 men at this post, who are now housed in temporary quarters. A personal visit by the chairman of the subcommittee of the House Committee on Military Affairs in charge of real estate and construction developed the fact that the most necessary construction at that post at this time was a motion-picture theater, because the present room for such purposes is on the second floor of a frame structure that is a veritable fire trap.

On No. 9: A letter from the Secretary of War to the chairman of the Senate Military Committee explained the necessity for this legislation. The amendment is to indicate definitely that "Ward Building" is part of the hospital at Fort Sill, Okla.



On No. 10: The change in language in this amendment was made to conform to the suggested language of the Secretary of War in a letter on the subject.

JOHN M. MORIN,  
W. FRANK JAMES,  
JOHN J. MCSWAIN,

*Managers on the part of the House.*

Mr. JAMES. Mr. Speaker, I move the adoption of the conference report.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The conference report was agreed to.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. HOWARD of Nebraska rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Nebraska rise?

Mr. HOWARD of Nebraska. Would the Speaker please submit my request to the House for permission to speak for about 15 minutes on the subject of a big Navy?

Mr. MADDEN. Mr. Speaker, I suggest that the gentleman do that to-morrow. Let us divide the time up.

Mr. HOWARD of Nebraska. That would suit me, to-morrow morning.

Mr. MADDEN. I suggest that the gentleman may get in some time during the day in the committee, out of order. I do not want him to be out of order now.

Mr. HOWARD of Nebraska. If I do that, Mr. Speaker, I will have to violate my program. My program does not permit me to ask any individual for time, but the whole House.

Mr. MADDEN. The gentleman does not have to ask any individual Member. I know the gentleman will be circumspect. Sometimes, as he knows, we try to get in in any way we can.

Mr. McCLINTIC. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes to-morrow immediately after the gentleman from Michigan [Mr. Cramton] concludes his remarks.

The SPEAKER pro tempore. The gentleman from Oklahoma asks unanimous consent to proceed for 10 minutes to-morrow immediately after the gentleman from Michigan concludes his remarks. Is there objection?

There was no objection.

#### CHANGE OF REFERENCE

The SPEAKER pro tempore. The Chair desires to call the attention of the House to a proposed change of reference of the bill (S. 1287) for the relief of Near East Relief (Inc.). This bill was messaged over from the Senate on February 8. It was inadvertently referred to the Committee on War Claims. It is agreed by the chairman of the Committee on Claims and the chairman of the Committee on War Claims that it should be referred to the Committee on Claims. Without objection, it will be so referred.

There was no objection.

#### TREASURY AND POST OFFICE APPROPRIATION BILL

Mr. MADDEN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10635) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes.

The motion was agreed to.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. Michener] will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10635, with Mr. MICHENER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10635, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 10635) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes.

Mr. MADDEN. Mr. Chairman, last week the gentleman from South Dakota [Mr. Johnson] asked unanimous consent to proceed for 30 minutes. I objected and said we would give the gentleman time in general debate. It so happened that when he could be given time he had to go away and notified me he could not be here. I suggested I would ask that he be given time this morning, so I ask unanimous consent, notwithstanding the fact that we have begun to read the bill, that the gentleman from South Dakota may speak out of order for 30 minutes.

Mr. BYRNS. Mr. Chairman, I have no objection to that, but I had agreed to yield some time to the gentleman from North Carolina [Mr. Bulwinkle] yesterday, but I did not do it. I do not think the gentleman wants over 5 or 10 minutes, and then I understand that the gentleman from Texas [Mr. Connally] desires to speak out of order for five minutes.

Mr. MADDEN. I will include the three gentlemen in my request. Mr. Chairman, I ask unanimous consent that the gentleman from Texas [Mr. Connally], that the gentleman from South Dakota [Mr. Johnson], and that the gentleman from North Carolina [Mr. Bulwinkle], in the order named, may proceed out of order for 5 minutes, 30 minutes, and 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The gentleman from Texas is recognized for five minutes.

Mr. CONNALLY of Texas. Mr. Chairman and gentlemen of the committee, this morning's newspaper reports announce the successful return of Col. Charles A. Lindbergh from his goodwill South and Central American flight to his home at St. Louis. The *Spirit of St. Louis* has now returned to the bosom of its mother. In making this flight Colonel Lindbergh has rendered his country a great service. At a time when within those regions there has existed so much to arouse their hostility toward the United States and at a time when European nations, perhaps, are endeavoring to alienate Central and South America for trade purposes, this great evangel of peace and of good will, this daring messenger of his country, has gone to those regions and brought the people of those climes to his feet in tribute and won for himself, as a representative of the great Republic of the north the highest respect and the finest encomiums of this day.

Mr. Chairman and gentlemen of the committee, as an humble representative of the American people, let me here express the hope that Colonel Lindbergh may cease to imperil his valuable life and endanger his personal safety by other hazardous or dangerous flights.

I believe the Congress of the United States ought to pass a resolution memorializing Colonel Lindbergh not again to risk the hazards of the air or the perils of the sea, but to devote his life to leadership in America in the development of aircraft [applause] and in continuing to stir within the young manhood of America that compelling inspiration which his great example has already generated.

Gentlemen of the committee, his example is too valuable, his life is too precious, his inspiration to the young manhood of America is too splendid, and his services to his country in developing aircraft and the Nation's fighting force in the air are too far beyond computation to risk them again in dangerous enterprises. The path of duty lies now in the direction of preserving his great life. The world is already at his feet in tribute to his daring achievements of the past. Let Congress request him now to preserve his life for the service of his country and of the world in the years of the future. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired. The gentleman from South Dakota [Mr. Johnson] is recognized for 30 minutes. [Applause.]

Mr. JOHNSON of South Dakota. Mr. Chairman and gentlemen of the committee, I doubt whether I will be able to conclude my remarks in the time allotted to me, so I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. JOHNSON of South Dakota. Mr. Chairman and gentlemen of the committee, in the course of a life that has not been entirely free from activities it has been my good fortune and privilege to know many men who have taken a rather prominent part in the affairs of the Nation. I have known many legislators in this body in this time, men who know how laws are drafted, how laws are passed, and how laws have been defeated. I have known many men who have been eminent in the law and in medicine and who know what part lawyers and physicians are supposed to take in the scheme of life. It has been my good fortune to know many men who have taken part in other activities of the country, famous baseball players and football players, and men who have served with credit to themselves and their country in some of the greatest battles of history. I have heard those men discuss the rules of the games in which they have taken part. I have heard Members of Congress object, and I thought rightfully object, because something had been done in the process of legislation that was unfair. I have heard football players object, for instance, because some

one had violated the rules and tackled below the knees or tried to gouge out some one's eyes. I have heard baseball players complain because some one attempting to play the game had deliberately slid into second base or home plate and tried to spike them. I have heard many soldiers make objections because they did not think they should always be shot in the back without any possibility of protecting themselves. The rules affecting all the activities to which I have referred are well recognized and should be observed.

But, Mr. Chairman and gentlemen of the committee, I thought most of those rules were violated on the 17th of January, when Senate Resolution 52, the McMaster resolution, referring to the tariff, all at once appeared on the floor of this House. It was impossible for me to be present that day because I had a rather important engagement—at least to me—in a hospital in the city of Washington, and therefore never had an opportunity to express myself on either the subject matter or the procedure.

This resolution reads as follows:

*Resolved*, That many of the rates in existing tariff schedules are excessive, and that the Senate favors an immediate revision downward of such excessive rates, establishing a closer parity between agriculture and industry, believing it will result to the general benefit of all.

*Resolved further*, That such tariff revision should be considered and enacted during the present session of Congress.

And then, apparently as an afterthought, and innocently or otherwise, it was—

*Resolved further*, That a copy of this resolution be transmitted to the House of Representatives.

Now, while it was impossible for me to be present, I did what every Member of this body or any other parliamentary body would do. I had a general pair, asking the pair clerk in the event anything was thrown into the House and I could not be present, to pair me with the majority of the Republicans, believing, as I do, that the expression of a majority of the Republicans would be more likely to result in good for the entire Nation than any other group of men who form any political party, and I was therefore, apparently, paired against the McMaster resolution.

It is a fundamental right of either branch of Congress, the House or the Senate, to resolve on any subject at any time. If either branch of Congress should determine that it was the guardian of the entire world and all the people contained therein, it would be particularly appropriate that that body should pass a resolution on every conceivable subject. In the particular resolution referred to, the Senate recorded itself as believing that the resolution would result to the general benefit of all, and if that statement is true, the Senate should certainly have resolved at great length. So long as the resolution remained in the confines of the Senate and afforded only a wonderful opportunity for the display of oratorical ability, it acted as a vehicle to convey to the world at large, and industry in particular, that there was a real need and demand for the passage of farm-relief legislation. Presumably, the Senate had in mind the thought that if agricultural legislation was not enacted into law those who believed in such legislation were ready to lower the tariff on commodities of manufacture and industry so that there would be equality among men whether they manufactured goods or produced agricultural products, and though it is very far from my present intention to attempt to discuss the senatorial mind or intention in this discussion, from reading the debates on the McMaster resolution, it is entirely probable that the Senate intended to convey that thought by the passage of the resolution, and as long as it remained on the Senate side it would have accomplished that purpose. I think, perhaps, this was the intention in the mind of that great parliamentary body, because I have read with great interest recent speeches made by a very distinguished and able Senator from my State, Senator PETER NORBECK. On June 15, 1926, as shown by the Record, he expressed the thought which I know he believes in and which I know I believe in when he said:

The wise business man is already beginning to realize that his market is adversely affected by the farm depression. The farmers may be in the minority, but an active minority is often an effective force. You ask what will happen. Several things will happen. First, the farmer will tear down the tariff structure, for he believes that he will be invited to participate in its rebuilding. He will not be ignored when that task comes. Perhaps he may, like Samson of old, pull down the temple upon himself, but desperate people will do desperate things, and there is no way to stop them. Radicalism that has been expressed in recent primary elections will be mild compared to what will follow if the present inequality continues.

And then, still consistent and still able to express himself, on January 16 of this year the distinguished and able senior Senator from South Dakota, in his remarks, said:

The point is that the Northwest must look out for itself, and it will look out for itself. The farmers of the prairies are no longer party bound. They do not vote for labels alone. They now look carefully to principles of parties and to the character and record of the candidates. They are not unmindful of the fact that it was following eight years of Democratic administration that the Republican stock dividends, referred to by my colleague [Mr. McMASTER] the other day, were paid. They were not 10, 20, and 30 per cent; they ran to hundreds of per cent and thousands of per cent, and in one case a 16,000 per cent stock dividend was paid.

#### PARTY RESPONSIBILITY

The farmer well understands that his ruination came during a Democratic administration and was due to the attitude of the party toward him. He has watched closely the record of both sides of this Chamber on so-called farm-relief measures, and he finds that only one record is worse than that of the Republican Party in the Senate, and that is that of the Democratic Party. But the farmer also knows that the Republican Party promised in its platform to remedy the inequality existing. The failure to do so is the record that stands against the party. The attitude of the parties and candidates will be closely watched in the coming presidential campaign.

The Senators from the agricultural South and the industrial East have joined hands against making the tariff effective for the farmer by the McNary-Haugen bill, and they are not supporting any other measure that will accomplish the purpose. The Northwest farmer is still pleading for economic justice for agriculture—a proportionate price for the products of his labor. If this is denied him, he will insist on tearing down the tariff wall. If the farmer is compelled to sell in a world market, he will demand the privilege of buying all his supplies in the same market free from import duty.

The tariff must be made effective for the farmer also or the tariff must be reduced.

I have quoted the Senator so extensively because he has so well expressed the thought in which I believe.

There would have been no trouble and no debate on this side of the House except, innocently or otherwise, the last proviso of this resolution directed that a copy of it be transmitted to the House of Representatives. This, in spite of the fact that section 7 of Article I of the Constitution provides as follows:

All bills for raising revenue shall originate within the House of Representatives.

And every time the parliamentary body at the other end of the Capitol has attempted to violate this provision of the Constitution there have been plenty of Members on this side who believe in the Constitution who have been ready and willing to make the objection to its action.

The provision in the Constitution means exactly what it says; and the Senate has no more power or authority to originate tariff legislation than the House has the right to dictate to the Senate concerning treaties with foreign governments, and we do not attempt to do this. The Senate does not even possess the right or power to add a tariff law as a rider on an appropriation bill. It has no power whatsoever in originating revenue matters, and I presume it never will have such power. So far as I have been able to determine in the past revolving career of that distinguished body, it has tried to keep within its jurisdiction and never before has submitted such a resolution.

The rules of the House must be lived up to and respected exactly as the rules of the Senate or the rules of the courts, and the House could do very little under this resolution that suddenly appeared from the other side of the Capitol, because it did not anticipate that that body would attempt to violate the Constitution of the United States; and our rules made no provision for the other parliamentary body attempting to violate the Constitution; and the House, as the judge of the matter, hardly knew what to do when this founding baby was laid on its doorstep. Its paternity was known but its legitimacy questioned, and we did not know what to do with it. The Democratic leader, Mr. GARRETT of Tennessee, who knows parliamentary law and whose mental integrity has never been questioned by anyone, moved that the resolution be referred to the Committee of the Whole House on the state of the Union.

Now, had it been so referred, not being a proposed law, and not being a joint or a concurrent resolution, and, in fact, not being much of anything but an expression of opinion, it could only have been debated for an hour and then have quietly died. The Speaker very properly ruled that such reference of the resolution was not in order. Mr. GARRETT of Tennessee, the Democratic leader, in his great desire to promote peace and harmony among the Republicans, made it difficult for the average citizen and voter to distinguish between Democrats who run on the Republican ticket, Republicans who believe in a tariff based on the difference between the cost of production at



home and abroad and Democrats who believe in a tariff for revenue only, and moved that the resolution be referred to the Committee on Ways and Means. This would have been a polite and dignified way of administering the death blow to the resolution as it would then have never seen the light of day.

It might have been discussed in executive session of the committee, but the rules of the House would have prohibited that discussion from having been made public. If it were to have been discussed, far better that it remain on the Speaker's table, for anyone feeling the urge to indulge in oratorical effulgence who could secure a few moments to speak might discuss it.

It is clear, however, under the Constitution and the rules that the Senate had no right to initiate revenue legislation, and Mr. TILSON, of Connecticut, made the point of order that the motion to refer the motion to the Ways and Means Committee was not in order. The Chair very properly sustained the point of order.

Mr. GARRETT of Tennessee then appealed from the decision of the Chair. Mr. TILSON, of Connecticut, then moved to lay on the table the appeal from the decision of the Chair. The roll call was then taken upon the motion to lay on the table the appeal from the decision of the Chair. It was not a vote on the McMaster resolution, and the practical result of the vote only is to make it possible for every political demagogue and candidate for Congress who desires to misrepresent the facts to assert anything that he wishes to assert concerning the vote of any Member of Congress and apparently prove his case. No Member of Congress could express himself, because the motion was not debatable.

Mr. GARNER of Texas. Will the gentleman yield?

Mr. JOHNSON of South Dakota. I would like to yield, but I will say that the combination between the Senate and the Democrats of the House has made plenty of trouble already. I will yield a little later.

Mr. GARRETT of Tennessee rose.

Mr. JOHNSON of South Dakota. The same thing will apply to the gentleman from Tennessee, for whom I have great respect. I do not want his speech embedded in mine.

Mr. GARRETT of Tennessee. The gentleman spoke about being in trouble, and I thought I would help him out. [Laughter.]

Mr. JOHNSON of South Dakota. No; I am not in trouble; I am trying to get other gentlemen out of trouble, which they do not deserve. Now, this can easily be shown by the votes of Members of Congress from my own State, two able and distinguished gentlemen, Mr. WILLIAMSON and Mr. CHRISTOPHERSON, representing two districts from that State, with whom it has been my pleasure to serve during all of their legislative career. Neither of them has disagreed on agriculture or tariff legislation. Both have supported loyally and faithfully the McNary-Haugen bill with the equalization fee.

In that I agree with them and still agree with them. Both have stood upon the doctrine that if adequate agricultural legislation can not be enacted to place upon a parity agriculture, industry, and labor, the tariff wall must be lowered, at least to the basis of the difference in cost of production at home and abroad.

They both came here in their congressional innocence and they have been valuable Members. I know they agree absolutely with Senator NORBECK and myself and others, and yet you have seen one recorded one way and one the other, when, as a matter of fact, they agree with me that we will have agricultural relief, or Congress may not adjourn, or we may have a revision of the tariff.

So far as I know no one has ever questioned this attitude of any of the Members of the House from South Dakota. If they should question, it would be political trickery and untrue. On the motion to lay the appeal on the table, one of these gentlemen voted aye and the other no. Either of those votes accomplished the same thing, to wit, nothing. If the appeal were lost the resolution would be smothered in the Ways and Means Committee, and if the appeal was successful the resolution would be smothered on the Speaker's table.

The final result of the vote was only to embarrass every Republican Member of Congress from an agricultural district and to open the door so that every demagogue who desired to get to Congress could attack every Member for voting either way, and every political pirate is doing that very thing.

No one in the House can express themselves on any particular subject, but any one in the other body can express themselves on anything at any time. The rule that applies in the House and in the Senate therefore is different. You know that on this side of the Capitol our business is to legislate rather than to indulge in oratory.

We believe that we would rather pull agriculture up to the plane of manufacture and industry than to depress industry

and manufacture down to the plane of agriculture. I think that a great President, Theodore Roosevelt, expressed a thought that should never be forgotten, when in one of his speeches he said that in the long run everyone in the United States will go up or down together, and I prefer to see every branch of business in the United States and agriculture come to a higher plane or standard of living than to depress the business of anyone. [Applause.]

Of course, as I say, I do not know what was in the mind of the men who sent this resolution over here. I asked a distinguished Member of the other body, whom I know very well, and whom I had the great privilege of knowing some years ago when he was serving in the Army. I can talk with him and he can talk with me very frankly. A few days ago I said to him, "Just why did you put that third provision in the resolution, to send a copy of it over to the House, when you knew that we could not get a vote on it, when you knew that all that we could do would be to have four or five parliamentary votes on the question and that no one could express himself, with the result that a few political pirates and demagogues could tear around the United States and misrepresent our position?" He answered me very frankly, as he has always dealt with me during the years I have known him, both in the Army and in the Congress. He said, "I do not know what was in their minds, but they might have been a good deal like the doughboy who had recently enlisted and was sent up as a replacement to the Infantry in the Rainbow Division in the late war. Thrown in, as this doughboy was, with a lot of old, hardened, battle-scarred veterans, he did not feel that he should show his ignorance of the implements of war and destruction which are used in time of battle."

"Particularly did he fail to have an explanation made to him of the dangers and possibilities and idiosyncrasies of hand grenades, and no one thought to tell him that if the pin on one of those grenades was pulled, within five seconds it would blow up not only all of the innocent bystanders who happened to be in the vicinity but was likely to blow up the pullee of the pin. Some one had told him, however, that these grenades were noisy, and were loaded with T. N. T.; but he did not think of that until after he had pulled the pin, when suddenly it occurred to him that the pin had some connection with the firing mechanism, and two seconds before the grenade exploded he managed to give it a wild heave in the general direction of the sky, just like resolutions sometimes come to parliamentary bodies. After the dead and wounded had been cleared away, a hard-boiled old captain from the company, who rode down in the ambulance with the recruit, as they took him to the hospital for repairs and replacement, said, 'Son, what did you want to do; kill all the men in your own company?' 'Captain,' said the boy, 'I didn't know anything about these hand grenades. The corporal said that they would make an awful lot of noise, but really I did not know that such a little piece of machinery could raise so much hell.' [Laughter.]

That is exactly the situation of this resolution. No one appreciated the fact that coming in as it did it might tend to give every political demagogue in the United States an opportunity to run for Congress; that it might give men a chance to misrepresent other men, and that it could serve no useful purpose, whether it laid on the Speaker's table and died there, or reposed on the desk of the chairman of the Committee on Ways and Means and died there, because, no matter what happened to it, it had to die under the Constitution of the United States and the rules of the House.

Mr. Chairman, I trust that I have expressed myself clearly enough so that there will be less of misrepresentation of the votes of Members of Congress. I have two very good friends whom I see before me to-day, and one of them voted "nay" and the other voted "aye" on the resolution. Both are for agricultural relief and take the viewpoint that I take, that if we do not get it we are very likely to see some tariff legislation before this is over, and if I have in any degree protected those men from unfair abuse, I shall have served the only purpose I desired to serve in this short discussion. I now yield to the gentleman from Texas [Mr. GARNER].

Mr. GARNER of Texas. And I shall ask the gentleman one question appropriate to the present moment. The gentleman says that his only purpose in rising this morning was to protect his two colleagues from his State. I now ask him on which side he would have voted had he been here?

Mr. JOHNSON of South Dakota. Had I been here I would have lived up exactly to the Constitution of the United States and the rules of the House, and have voted to sustain the position of the Chair, which I think was correct.

Mr. GARNER of Texas. And the gentleman does not favor the sentiments expressed in the McMaster resolution?

Mr. JOHNSON of South Dakota. The gentleman from Texas perhaps has not listened to me very carefully.

Mr. GARNER of Texas. Oh, yes; I did listen very carefully to the gentleman.

Mr. JOHNSON of South Dakota. I said that I favored agricultural relief and the McNary-Haugen bill; to be exact, that we ought not to divide our forces on that; and if we can not pass the McNary-Haugen bill and industry and agriculture do not get on a parity, then I am willing to join anyone to revise the tariff; but I should like to have the battle on the McNary-Haugen bill instead of on a resolution that means nothing.

Mr. GARNER of Texas. But if the gentleman can not raise agriculture up to where we desire to raise it, he would be willing to reduce the tariff on some of the things that the farmer has to purchase?

Mr. JOHNSON of South Dakota. Yes. I now yield to the gentleman from Tennessee [Mr. GARRETT], who wished me to yield to him some time ago.

Mr. GARRETT of Tennessee. Oh, the gentleman has answered the question that I would have asked him.

Mr. JONES. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of South Dakota. I yield to the gentleman from Texas.

Mr. JONES. I would like to suggest to the gentleman that for four or five years I have been hearing statements made to the effect that if we did not pass farm-relief legislation along certain lines we were going to revise the tariff. This is the only time during those five years in which those gentlemen making those threats, including the gentleman from Iowa [Mr. DICKINSON] and others, have had a chance to make good their threats. Does not the gentleman think it would have been a good step to have taken to have shown that they mean business by adopting that resolution? I suggest that action along that line would have at least indicated the sentiment of the House.

Mr. JOHNSON of South Dakota. The gentleman seems to think that the Constitution of the United States and the rules of the House should be violated in voting to override the ruling of the Chair concerning a resolution violating the rules?

Mr. JONES. No. The gentleman has not stated how he really feels on the resolution. On the merits of that resolution is he in favor of tariff reduction or not?

Mr. JOHNSON of South Dakota. I have expressed my views exactly on the tariff and industrial-relief questions, and on the resolution that came up here on a technical and partisan vote.

Mr. JONES. Does not the gentleman think that if the House expressed its opinion, it might have some persuasive force with the committee?

Mr. JOHNSON of South Dakota. I suggest that if the gentleman will get his Democratic Members together and agree upon a system of farm relief, we may be able to do something. But he can not get more than two-thirds of them. If the gentleman will get his people together and give us a bill based on the difference in the cost of production here and abroad, he will have a chance to do something.

Mr. JONES. Will the gentleman vote in favor of that?

Mr. JOHNSON of South Dakota. The gentleman from Texas can get plenty of votes when they are purely political, but he can not get them when they are practical.

Mr. JONES. Will the gentleman vote for a revision of the tariff law now?

Mr. JOHNSON of South Dakota. I would be willing to vote on a law, but not on a fool resolution.

Now, if the gentleman will keep quiet for a moment, I will tell him how to do it.

Mr. JONES. The gentleman and his colleagues have been talking for five years about what they wanted to do, and yet when they get a chance to do it they do not take advantage of it. They vote against the only opportunity they have had in all these years for a real expression on the tariff. That is not a fool resolution, but one of tremendous importance.

Mr. MURPHY. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. MURPHY. Will the gentleman give us an idea of what the farmer expects to buy cheaper when he gets a reduction of the tariff—things that he buys now? Everything that he buys now—fertilizer, twine, and machinery are admitted under the free list.

Mr. JOHNSON of South Dakota. Oh, if I should start in on the tariff duties on different schedules I would not have time enough between now and next Christmas. I would like to go into those questions, but if the gentleman will read the Senate debate on this Senate resolution he will find there the very answer that he wishes.

Mr. GARRETT of Tennessee. Will the gentleman yield to me now?

Mr. JOHNSON of South Dakota. I will be delighted to yield to the gentleman.

Mr. GARRETT of Tennessee. In the event farm-relief legislation, or to be specific, the McNary-Haugen bill, should fail, will he be ready to consider the question of a tariff debate?

Mr. JOHNSON of South Dakota. Yes.

Mr. GARRETT of Tennessee. I would like to ask the gentleman from South Dakota if he is not absolutely confident in his own mind that there is not the remotest chance for an agricultural relief bill, containing the equalization fee, to become a law at this time?

Mr. JOHNSON of South Dakota. I do think it has a good chance, I will say to the gentleman. Conditions have changed since it was up before, and ideas have been changed.

Mr. GARRETT of Tennessee. Does the gentleman think there has been a change in the White House?

Mr. JOHNSON of South Dakota. I know there is a change. I am not authorized to speak for the gentleman in the White House, but I think there are enough votes in the House to override a veto, even if the gentleman in the White House does not agree to it. If Congress should not adjourn this summer, there might be time for the discussion of many things.

Now, I want to ask the gentleman from Tennessee a question. If the conditions were reversed, and the gentleman from Tennessee were Speaker and the gentleman from Ohio [Mr. LONGWORTH] were the minority leader, and the gentleman from Tennessee were in the chair, when this tariff resolution came up would he not have ruled exactly as the Speaker did rule?

Mr. GARRETT of Tennessee. I decline to give the Republican side of the House the benefit of my wisdom. They will have to solve their own problems. [Laughter.]

Mr. JOHNSON of South Dakota. I thought the gentleman would refuse. [Applause.]

The CHAIRMAN. The time of the gentleman from South Dakota has expired, and the gentleman from North Carolina [Mr. BULWINKLE] is recognized for 10 minutes. [Applause.]

Mr. BULWINKLE. Mr. Chairman, I do not desire to speak about that hand grenade which so affected my friend from South Dakota, but I do wish to call to the attention of the House and have it read in my time a resolution passed at a recent meeting of the executive committee of the American Legion, Department of North Carolina.

The CHAIRMAN. Without objection, the Clerk will read the resolution.

There was no objection.

The Clerk read as follows:

#### Resolution

*Be it resolved by the executive committee of the North Carolina Department, American Legion, that—*

Whereas at every annual convention of this department the members of the department have unanimously adopted resolutions memorializing the Senators and Representatives of this State to support the Tyson-Fitzgerald bill for relief of the disabled temporary officers of the World War; and

Whereas at the present session of Congress this bill has again been reported favorably to both branches of Congress and will undoubtedly pass by a large majority if it is brought to a vote: Now, therefore,

This committee unanimously requests the Members of Congress from North Carolina to support the efforts of those in charge of this bill for an early and favorable vote thereon.

For four sessions, Mr. Chairman, this bill has been reported favorably by the committee of the House. For four times the House has failed to take action upon it. I think on several occasions this bill, or a bill of similar character, passed the Senate, but for seven years there has been no attempt by the majority party in this House to bring this bill to a vote. Members of the House have constantly said, a majority of them, in fact, that they are in favor of this bill.

The reason that I am bringing it to your attention to-day is that it is time for us either to vote it up or vote it down, and quit playing with it. If there is merit to it, as I think there is, then there is no question but what we as men should face it and should vote on it. For eight years we have played football with this.

While I am speaking about that, may I not say also as to other veterans' legislation that there has not been a single meeting of the full Committee on Veterans' Legislation. That will run along, like it always does, to the end of the session, and then it will be brought in under suspension of the rules. It is true, in justice to the chairman, that he has been in the hospital, but he has been out for some time. Nearly two months and a half have elapsed. There have been subcommittee meetings on the hospital bill, but nothing definite has been done with respect to that. The subcommittee has never reported to the full committee. There have been a few meetings



of the subcommittee in regard to the insurance matter, but no report to the full committee. You can mark my prediction, which will come true, that there will not be a meeting of the full committee before the latter part of this month or of next month. It is meant and intended by the majority steering committee on your side of the House that the general bill for veterans' relief shall be brought up toward the end of the session under suspension of the rules, as all similar bills have been in the past.

Mr. CLARKE. Will the gentleman yield?

Mr. BULWINKLE. Yes.

Mr. CLARKE. As I understand, the bill to which the gentleman refers is the one which equalizes the pay.

Mr. BULWINKLE. It is the emergency officers' bill.

Mr. CLARKE. That is the bill to which the gentleman refers?

Mr. BULWINKLE. Yes.

Mr. CLARKE. What is the objection to it?

Mr. BULWINKLE. I can not find any objection to it, and I have voted on it favorably in the committee time after time.

Mr. SIMMONS. Mr. Chairman, I ask unanimous consent to proceed out of order for five minutes.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to proceed out of order for five minutes. Is there objection?

Mr. BANKHEAD. Mr. Chairman, reserving the right to object, is the gentleman going to speak on the subject of the division in the Republican ranks on the McMaster resolution?

Mr. SIMMONS. I am going to speak on the matter discussed by the gentleman who preceded me, Mr. BULWINKLE.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SIMMONS. Mr. Chairman and gentlemen, I have listened with much interest to what my good friend Mr. BULWINKLE has had to say about veterans' legislation and in particular about the bill known as the emergency officers' bill. He and I have not parted company generally on veterans' legislation, but we have parted company on that bill. We have fought side by side for all veterans' legislation since I have been here.

I am one of a group of service men in the House who appeared before the Rules Committee in the last Congress opposing the giving of a rule on the emergency officers' bill. Our reasons for doing it were plainly stated to the Rules Committee then; they are printed and nobody need have any doubt about what those reasons are. I likewise spoke before the House last Congress on the bill. I propose to appear before the Rules Committee again this year, if given the opportunity, before a rule is granted on the emergency officers' bill.

In all of these years we have not had before the Veterans' Committee of this House an open full hearing on that bill, and I will say this to the Rules Committee now, as I say it to the House, that if the Veterans' Committee will hold hearings on the emergency officers' bill and give the men on that committee who are opposed to it a fair chance to call witnesses and examine them, and to bring before the Veterans' Committee the Secretary of War, the Secretary of the Navy, the Director of the Veterans' Bureau, the national commander of the American Legion, the national commander of the Disabled American Veterans and others who are asking for this legislation in order that the Congress may know first hand what the opinion is regarding the bill and what the facts are, and what the bill does, then I will not oppose the bill coming on the floor of the House for consideration.

Until that is done I feel we are entitled to oppose the bill coming before the House. It is a bill that now proposes to fix permanently an annual charge of something better than \$2,000,000 a year and upward on the Treasury. It is a bill that discriminates decidedly against over 200,000 disabled enlisted men of the World War and against over 6,000 disabled officers. I think we ought to have the facts; Congress is entitled to the facts. All the facts we have now before the Congress are facts that men who have studied that bill and who have reached the conclusion it is wrong have pulled out of different people at different times—thus some prepared statements submitted to the committee by interested organizations. The World War Veterans' Committee has not brought those facts to the Congress and they should. We are entitled to have that committee bring those facts and those witnesses to us.

There is pending now before the House on that bill a minority report from the World War Veterans' Committee signed by two service men of the World War, one a Republican and one a Democrat, who are opposed to the bill. Last year there were four service men on that committee who signed that report.

Two of them are not now members of the committee. With the permission granted to extend my remarks I include herein a copy of their report:

#### MINORITY VIEWS

Having been denied hearings in the Committee on World War Veterans' Legislation, we content ourselves with the presentation of the minority views as expressed in connection with this bill in the Sixty-ninth Congress and which are submitted below.

J. E. RANKIN.

BIRD J. VINCENT.

This is known as the World War emergency officers' retirement bill. If it should become a law it would most unjustly discriminate against all disabled enlisted men and a large part of the disabled emergency officers in favor of a certain class comprising a limited number of disabled emergency officers. It would reward men not according to their disability but according to their rank, thereby violating the very fundamental principles of our American institutions.

For instance, an officer who incurred physical disability in line of duty and has been "or may hereafter be" rated at not less than 30 per cent permanent disability shall be placed upon the retired list at 75 per cent of the salary to which he was entitled at the time of his discharge. What does this mean? It means that an emergency officer with a 30 per cent disability which originated in line of duty shall receive pay for life as follows:

	Per month
Brigadier general	\$375.00
Colonel	250.00
Lieutenant colonel	218.75
Major	187.50
Captain	150.00
First lieutenant	125.00
Second lieutenant	93.75

While the enlisted man with a 30 per cent disability will receive \$30 a month.

Yet they tell us that the ex-service men are in favor of this measure. That is not true. If every ex-service man in the United States understood what this bill means, we doubt if it would receive the indorsement of 1 service man out of 10.

It even discriminates against an overwhelming majority of the disabled emergency officers themselves. Those who are rated at less than 30 per cent permanent disability are excluded from a participation in the financial benefits of this measure. They are to receive the same pay as enlisted men with similar disabilities. If a colonel and his enlisted brother were both 30 per cent permanently disabled, the colonel would receive \$250 a month, while the enlisted man would receive only \$30 a month. But if they were both 29 per cent permanently disabled they would both receive the same compensation, \$29 a month.

Not only that, but it discriminates against the sacred dead, who "gave the last full measure of devotion" upon the field of battle or have died since the war closed. Their loved ones who were dependent upon them for support would not receive one dollar's worth of benefit from this unjust legislation. The widows and children of officers who gave their lives in the conflict, or who have died since the war closed, would draw compensation on the basis of allowances for the dependents of enlisted men.

The disabled emergency officers are being taken care of now along with the enlisted men. They served together, they fought together, they were frequently members of the same families, and where they suffered the same disabilities they should receive the same treatment.

But the advocates of this bill argue that these disabled emergency officers are discriminated against in the retirement of officers of the Regular Army, and ask Congress to pass this measure to favor 1,848 of these emergency officers and to discriminate against 41,496 enlisted men who are disabled to the same degree and 6,618 disabled emergency officers and 171,580 disabled enlisted men whose disabilities are rated at less than 30 per cent, in order to correct what they contend is a discrimination in favor of the officers of the Regular Army.

We are not responsible for the present law providing for the retirement of officers of the Regular Establishment. But if we were, and were willing to concede that there is an injustice in the present law, we would not be justified in trying to offset it by passing additional unjust legislation.

We must remember that officers of the Regular Establishment go into the Army for life. They make it their life's work; and in order to secure the class of men necessary to maintain the proper officer personnel in times of peace we must make some provision for taking care of them in case they become disabled.

As was said by a former Secretary of War:

"The privileges of the retired list of the Regular Army constitute a consideration granted by the Government for the consecration of lives to its military service and the volunteering for life for such service in any exigencies that may arise, whether in peace or war. The mili-

tary relation requires the officer to give up ambitions which are the rightful portion of every man in the great world outside, and for a measure of compensation which does not exceed what is barely sufficient to maintain himself and family in the status which the military service demands; and the law has said that when he serves a prescribed period of time, or has reached a certain age, or is disabled by injury or disease incident to the service, he must withdraw from active service and give way to a younger man better fitted for the rigors of military life. As the officer has not been trained for a business career or for any career in civil life, he finds himself at the end of his service, certainly in the vast majority of cases, not only without a profession but without a competency."

He also calls attention to the fact that—

"Congress has thus far restricted the privilege of retirement to members of the permanent Military Establishment; that is, to those only who have consecrated their lives to the military service. This is true not alone of the officers but of the enlisted man, who may retire only when he has served a sufficient time to indicate that he has adopted the military service as a life career. To those who have thus pledged their services for life to the Nation, in peace or in war, Congress, as a matter of keeping faith with them, has provided by law that they shall be secure in their calling throughout their lives, and when they have performed what is deemed a life service shall be relieved of some of the active duties of service and be permitted a living pay for the remainder of their lives. This basic principle of our retirement laws is recognized in an opinion rendered June 10, 1898, by Solicitor General Richards and had the approval of Attorney General Griggs. In discussing the applicability of laws relating to the Regular Army to the then existing volunteer forces the Solicitor General said:

"Chapter 2 of Title XIV, providing for the retirement of Army officers, clearly has no application to the Volunteer Army, organized for simply temporary service. This chapter creates two lists of Regular Army officers—the active and the retired list—a distinction which does not obtain in the Volunteer Army. When, therefore, section 1222 places a restriction on every 'Army officer on the active list,' it plainly refers to Regular Army officers. An Army officer of the active list is one not only active but permanently engaged in the military service of the Government. Having chosen the Army for his career, and being actively engaged therein, the statute properly prohibits him from accepting or exercising the functions of a civil office.

"While an officer of the Volunteer Army may be said to be actively engaged in the military service, he is not permanently so engaged. He is called out to meet an emergency, and must be discharged when the purpose for which he entered the service has been accomplished. Unlike the Regular Army officer, he has not selected the military service for a profession. He has simply responded to a patriotic call, and expects when the war is over to return to civil life. His term of military service is uncertain and contingent. He may be taken from his civil duties for a few months, for a year, for two years at the most. The Government does not need nor demand a complete and final severance of his relations with civil life. He may be able to make arrangements to bridge over his absence, and on his return resume his former work."

This is not a new proposition. The Adjutant General stated in a letter to a Member of Congress on February 25, 1926, that—

"Many bills have been introduced in both Houses of Congress at different times authorizing the appointment on the retired list of the

Army of those officers who served in the Volunteer Army in the Civil War, but none of them has ever been enacted into law."

Congress refused for 50 years and more to pass a law that would thus discriminate between the officers and enlisted men of the Civil War. On May 9, 1917, Hon. Newton D. Baker, then Secretary of War, in a letter to the chairman of the Military Affairs Committee with reference to such a measure, made the following prophetic statement:

"Furthermore, if the bill under consideration were to be enacted into law for the benefit of men who served as volunteer officers of the Civil War, it is reasonably certain that it would be followed by other measures for the benefit of volunteer officers of the war with Spain, of officers belonging to the National Guard who have rendered or are now rendering active Federal service, and of officers of the present war not belonging to the permanent Military Establishment. It would seem that the precedent established by the enactment of such legislation for the benefit of volunteer officers of one war should, in common fairness, be followed in time by similar legislation for the benefit of volunteer officers of all wars. It can be readily seen that the expense involved in any such legislation would be enormous."

The additional expense of this bill for the first year would be \$1,190,052. As time goes on the expense will grow. Men will be asking to have their cases reopened and their disabilities readjusted. Those whose disabilities shall have increased to 30 per cent will be entitled to be placed on the pension roll along with the others. And we had just as well admit that this is a permanent pension that we are being asked to allow to these disabled emergency officers. The chances are that we will soon be asked to reduce the degree of disability to 20 per cent, then to 10 per cent, and finally to wipe it out altogether, and to ultimately place the ex-officers on a pension status as officers instead of leaving them to be treated in the same manner as enlisted men. The enlisted men outnumber the officers overwhelmingly, and already some of them are asking that they be given the benefits of this retirement act in case it passes, and that they be retired as second lieutenants. Suppose pressure should be brought to bear upon Congress later to wipe out some of the discriminations of this measure by giving the enlisted men the retirement or pension status of second lieutenant. Ultimately the percentage requirement as to their disabilities would disappear. Who can tell what the ultimate expense to this Government such a pension policy would bring?

The bill is just the opening wedge. It is lifting the latch to the floodgates of expenditure, the consequences of which no one can foretell.

We regret very much that we are unable to agree with the majority of the committee that reported this bill out. But in justice to the enlisted men, who are just as patriotic and just as deserving as the officers; in justice to the many thousands of disabled emergency officers, whose disabilities are rated at less than 30 per cent; in justice to the widows and orphans of those who made the supreme sacrifice; in justice to the taxpayers of the United States on whose shoulders the burden of these expenditures would rest, we respectfully dissent from the views of the majority, and submit that this bill ought not to become a law.

J. E. RANKIN.  
BIRD J. VINCENT.  
J. L. MILLIGAN.  
S. J. MONTGOMERY.

The attached table is self-explanatory.

Compensation and increased retirement cost for commissioned officers, September 30, 1926

Rank	Permanent partial (over 30 per cent)		Permanent total		Total		Army pay rate	75 per cent of Army pay rate	Cost on basis of 75 per cent of Army pay rate
	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment			
General							\$500.00	\$375.00	
Colonel	3	\$175	9	\$790	12	\$960	333.33	250.00	\$3,000
Lieutenant colonel	7	305	14	1,320	21	1,625	291.66	218.75	4,594
Major	54	2,330	67	7,200	121	9,530	250.00	187.50	22,688
Captain	216	9,600	250	25,700	466	38,300	200.00	150.00	60,900
First lieutenant	358	16,450	313	32,770	671	48,220	166.66	125.00	83,875
Second lieutenant	283	13,160	274	27,310	557	40,470	125.00	93.75	52,219
Total	921	42,015	927	95,090	1,848	137,105			236,276

\$236,276×12=\$2,835,312: 75 per cent of annual pay for Army officers rated permanently disabled 30 per cent or more.

\$137,105×12=\$1,645,260: Annual compensation for Army officers rated permanently disabled 30 per cent or more.

\$2,835,312-\$1,645,260=\$1,190,052: Increased cost for retiring Army officers rated permanently disabled 30 per cent or more.

\$1,190,052÷\$1,645,260=72.33 per cent: Per cent of increase in pay for Army officers who are retired.

25 Navy officers (including Coast Guard) receiving \$1,120 compensation are rated permanent partial 30 per cent or more.

72 Navy officers (including Coast Guard) receiving \$7,100 compensation are rated permanent total.

\$1,120+\$7,100=\$8,220×12=\$98,640: Annual compensation for Navy officers.

72.33 per cent of \$98,640=\$71,346: Increased cost for retired Navy officers.

8 marine officers receiving \$370 compensation are rated permanent partial 30 per cent or more.

8 marine officers receiving \$800 compensation are rated permanent total.

\$370+\$800=\$1,170×12=\$14,040: Annual compensation for marine officers.

72.33 per cent of \$14,040=\$10,155: Increased cost for retired marine officers.

\$71,346+\$10,155=\$81,501: Increased cost for retired naval officers.



If the proponents of the bill believe in it, if they are willing it should come before the House of Representatives with this body fully advised about it, they ought to be willing that the House of Representatives have the facts about it and they ought to be willing that the World War Veterans' Committee should hold hearings on it. This year I am told that over the objection of members of the committee that committee reported out the bill without a hearing, and it is before you from the great committee that has charge of it and which is asking you to follow its recommendation without hearings to help you in reaching a conclusion on it.

So for my part, while I have opposed during these years this bill coming before the Congress, if the World War Veterans' Committee will just tote fair with the House and hold open, free, complete hearings on the bill and give the Congress the facts about it, then for one I will not further oppose the bill coming before the House.

#### THE UNITED STATES CODE

Mr. RAMSEYER. Mr. Chairman, I move to strike out the last line in order to offer a few constructive suggestions in regard to the use of the United States Code of Laws which was enacted a few years ago and which embraces the statute laws of the United States in force on the 7th day of December, 1925.

Mr. MADDEN. Let us read the paragraph first.

Mr. RAMSEYER. The paragraph under consideration makes reference to an enactment by Congress, and therefore involves the use of the United States Code. I have on several occasions addressed you on the use that ought to be made of this code.

The gentlemen present here this afternoon, including members of the Committee on Appropriations, and especially the lawyers on that committee, I am sure will agree with me when I say that it is the duty of Congress to enact just laws; that such enactments should be in clear and simple language, so that the people can understand them, and that after writing such laws in understandable language such laws should be codified at frequent intervals, so they can be easily found by the people who want to familiarize themselves with the laws enacted by Congress to govern the Nation.

In codifying the statute laws of the United States it must be conceded that the Congress has been extremely negligent. There was no codification of the statute laws of the United States from 1878 until the attempted codification of 1925. I have before me here the volume entitled "The Code of Laws of the United States of America," which is supposed to contain the statute laws of the United States in effect December 7, 1925.

Although this volume has been available in the office of every Member of Congress for about a year, no bill has yet been reported to this House to amend a statute of the United States by referring to such statute as it appears in this United States Code. Bills to amend existing law are introduced, considered by committees, and reported to the House, and the statutes thus sought to be amended are either referred to as appearing in the Revised Statutes, or in the Statutes at Large, or an act of a certain date. Now, it is well known that each act of Congress as it is passed is printed separately, bearing the date on which the President signed it. Such separate prints of these acts are in the possession of very few people. Of course, the original of each of these acts is in the possession of the Secretary of State.

Now this Code of Laws, in so far as it is accurate, was intended to supersede all enactments, whether found in the Revised Statutes, Statutes at Large, or other sources, prior to December 7, 1925. On page 1 of this code is what may be termed the enacting clause. A portion of paragraph (a) of section 2 of said clause reads as follows:

The matter set forth in the code . . . shall establish prima facie the laws of the United States . . . in force on the 7th day of December, 1925.

The last sentence of this paragraph reads:

In case of any inconsistency arising through omission or otherwise between the provisions of any section of the code and the corresponding portion of legislation heretofore enacted, effect shall be given for all purposes whatsoever to such enactments.

In this enacting clause there is no attempt to repeal any previous enactments. Although the matter set forth in the code shall establish prima facie the laws of the United States, in order to be the laws of the United States such matter must meet the test set forth in the last sentence of the paragraph to which I just referred. If there is no such inconsistency—I am now referring to the language of the last sentence of that paragraph again—in a particular section of the code, then such

section is the law beyond dispute or doubt. If such inconsistency is presented in any particular section, then the corresponding portion of legislation heretofore enacted is the law and not the section wherein the inconsistency appears.

I call especial attention of the lawyers of this House to what I am about to say, and I hope I may have your attention for a few minutes, although I realize that what I am discussing now is both dry and technical. Our reluctance to make use of this Code of Laws or referring to this code in bills to amend existing statutes is probably based on fear that to make such use might invalidate the proposed act to amend existing statutes in the code. The fear is that in case the section of the code so amended should be found to contain "any inconsistency" that the amending act would thereby be invalidated.

The first proposition I want to make to you is that the sections in the code in which no inconsistency appears with corresponding portions of legislation heretofore enacted are the law, and that an act to amend one or more of such sections in the code would be valid. It would be perfectly safe to adopt the practice in this House to report bills to amend such section or sections without any other reference in such bills to previous enactments where such section or sections could be found.

For instance, about two weeks ago, when this question first came up as to what use should be made in our legislation of the United States Code, there was up for consideration a bill to amend section 2455 of the Revised Statutes. This section is reproduced in section 1171 of title 43 of the United States Code. Assuming there is no such inconsistency in section 1171 of title 43 of the United States Code as contemplated in paragraph (a) of section 2 of the enacting clause to the code, then this section is the law. Then the bill before the House to amend section 2455 of the Revised Statutes should have been a bill to amend section 1171 of title 43 of the United States Code. I furthermore think it is the duty of Members in charge of bills to amend existing statutes to find out whether the statute they seek to amend appears in the United States Code without any inconsistency. If it does so appear in the code, then use should be made of the code without any other reference to encumber the bill.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. RAMSEYER. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GREEN of Florida. Will the gentleman yield?

Mr. RAMSEYER. If the gentleman will wait until I get through with my statement, I shall be pleased to yield to him.

The second proposition I wish to present is this: Suppose a bill is presented and passes Congress "to amend section 1171 of title 43 of the United States Code, to read as follows." What appears after the word "follows" is what Congress intends to be the law. Now the question arises, What will be the effect of such an enactment in case the said section 1171 of title 43 of the United States Code contains "any inconsistency," such as is contemplated in the enacting clause of the code? Can there be any question about the intent of Congress? Common sense will tell anybody that the amendatory act thus passed by Congress was by Congress intended to be the law, and I think it is safe to go on the assumption that the courts in construing such an enactment would exercise the same degree of common sense that Congress exercised in enacting the amendatory law. The question presented is, Will the validity of the enactment depend upon section 1171 of title 43, United States Code, being free from "any inconsistency"? At the end of this section 1171 of title 43 of the United States Code, the section I am using as an illustration, there are, in parenthesis, references to previous enactments where this section can be found. These references are for the guidance of the courts as well as for the guidance of Congress. Will the courts, in passing on the validity of such enactment, take notice of said references in determining the intent of Congress? I am simply throwing out these suggestions for you to think about.

Mr. COLTON. Will the gentleman yield?

Mr. RAMSEYER. If it is right on this point.

Mr. COLTON. It is right on that point.

Mr. RAMSEYER. Pardon me, but let me finish my statement, because a few moments ago I refused to yield to the gentleman from Florida.

Now, the third proposition I wish to present is this—and on this I invite the attention and serious consideration of the members of the Appropriations Committee: If through fear or in the exercise of caution we deem it unsafe to refer only to the Code of Laws in bills to amend the statute laws, I am here

to assert there is absolutely no excuse for the Appropriations Committee to refer in the appropriation bills to anything but the Code of Laws. The many references in every appropriation bill to acts of Congress are not for the purpose of giving validity to any appropriation. An appropriation in an appropriation bill becomes law whether based on existing law or not. Under the rules of the House, if an appropriation bill carries an item not based on existing law it is subject to a point of order. One object in referring in an appropriation bill to certain statutes or acts is to assure Members of the House that that particular appropriation is based on existing law. Furthermore, such references may aid officers in the departments who administer the appropriations authorized by Congress. Such references in the bill, whether for one or the other purpose, or for both purposes, should be made to the United States Code of Laws, because that Code of Laws is accessible to every Member of Congress and to every administrative officer in the Government. I challenge contradiction of the statements I have just presented to you on this proposition, and, in fact, I earnestly invite debate of the Members of this House on each of the three propositions I have presented to you this afternoon. Furthermore, I invite and welcome comments from any source, including the Bureau of the Budget, Comptroller General, and all administrative officers.

Mr. MADDEN. Why not take it up when the question is up?

Mr. RAMSEYER. That question is up right now. You have nearly a hundred references to statutes in this bill. I could offer an amendment to change each one of those references. However, I have no intention of doing so. There is absolutely no excuse or sense in maintaining this archaic method of referring to enactments in appropriation bills and not making use of the code for that purpose.

The excuse has been made that it is difficult to locate some of the statute laws in the United States Code. I wish to call attention to the fact that in the legislative reference service in the Library of Congress there is a complete card index showing where every enactment of Congress prior to December 7, 1925, can be found in the United States Code. The gentleman who prepared this card index and who is in charge of it is referred to in the preface to the Code of Laws in this language:

Acknowledgment of valuable assistance is given to W. H. McClenon, of the legislative reference division of the Library of Congress, and to the law officers and other representatives of the several departments, bureaus, and commissions of the Government.

I requested Mr. McClenon to furnish me from his card index references to the United States Code for the statutes cited in this bill, H. R. 10635. I have those references before me and will insert them in the RECORD, so that Members of the House, and especially members of the Appropriations Committee, can see just how easy and simple it is to make use of the Code of Laws.

Mr. MADDEN. Can the gentleman certify to the accuracy of code citations?

Mr. RAMSEYER. I can not certify to their accuracy, but Mr. McClenon, an authority on the subject, can make such certification.

Mr. MADDEN. The gentleman from Oregon, chairman of the Committee on Public Lands, had a bill and he could not find the references.

Mr. RAMSEYER. Since that time I have told the gentleman from Oregon to call upon Mr. McClenon and make use of his card index.

Mr. SINNOTT. Will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. SINNOTT. The gentleman does not expect the committee to keep in touch with all these matters. We have spent three hours on four bills trying to find references with the assistance of a clerk.

Mr. RAMSEYER. They have them in the legislative reference division of the Library. Make use of that service and save time.

Mr. SINNOTT. I could not find them at all. A part of the oil leasing act is not in the code.

Mr. RAMSEYER. There are a few omissions. Now, I want to show you how difficult it is to get out of a rut. On page 64, line 16, of this bill is a reference to the act of July 2, 1836. Note the date—1836. That is over 40 years before the Revised Statutes. This act of July 2, 1836, was repealed in the act of June 8, 1872, as you will find in Seventeenth Statutes at Large, section 327. This reference to the act of July 2, 1836, has undoubtedly been carried in the appropriation bills for years and years, even though the act has been repealed for over 50 years. It is certainly high time that the propositions I have presented this afternoon be given some thought and consideration by this House.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting a few sheets showing the United States Code references to statutes cited in the bill under consideration.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. RAMSEYER. I present the following references, to which I referred in my remarks, for printing in the RECORD:

UNITED STATES CODE REFERENCES FOR STATUTES CITED IN H. R. 10635

Page 2, lines 5-6. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 2, line 10. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 2, line 14. Act. Chapter.

Page 2, line 25. Section 6 of such act. Section 666 of such chapter.

Page 3, line 7. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 3, lines 20-21. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 6, line 12. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 6, line 20. The act of March 1, 1919. Section 111 of Title 44, United States Code.

Page 7, lines 8-9. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 10, line 4. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 10, lines 12-13. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 10, lines 15-16. Section 3653 of the Revised Statutes. Section 545 of Title 31, United States Code.

Page 10, lines 22-23. Section 3649 of the Revised Statutes. Section 548 of Title 31, United States Code.

Page 11, lines 5-6. Section 3512 of the Revised Statutes. Section 319 of Title 31, United States Code.

Page 11, lines 22-23. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 12, lines 1-2. Act of September 24, 1917, as amended and extended. Section 760 of Title 31, United States Code.

Page 12, lines 6-7. Section 8 of the first Liberty bond act and in section 10 of the second Liberty bond act, as amended. Sections 759 and 760 of Title 31, United States Code.

Page 12, line 8. The act of June 16, 1921. Section 761 of Title 31, United States Code.

Page 12, line 25. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 13, line 4. The classification act of 1923. Chapter 13 of Title 25, United States Code.

Page 13, line 14. Section 518 of the tariff act of 1922. Section 405 of Title 19, United States Code.

Page 13, lines 17-18. Section 525 of the tariff act of 1922. Section 414 of Title 19, United States Code.

Page 13, lines 21-22. Section 3648 of the Revised Statutes. Section 529 of Title 31, United States Code.

Page 14, lines 11-12. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 15, line 19. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 15, line 22. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 16, line 4. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 16, line 7. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 18, lines 9-10. The appropriation "Collecting the internal revenue, 1928." Not in code.

Page 19, lines 4-6. Sections 3220 and 3689, Revised Statutes, as amended by the revenue acts of 1918, 1921, 1924, and 1926. Section 149 of Title 26, United States Code, as amended by the revenue act of 1926, and section 711 of Title 31, United States Code.

NOTE.—Section 149 of Title 26, United States Code Appendix, contains the amendment made by the revenue act of 1926.

Page 19, lines 15-16. Section 600 of the revenue act of 1924. Section 881 of Title 26, United States Code.

Page 19, lines 16-18. Section 900 of the revenue act of 1921, or of the revenue act of 1918. Not in code.

Page 20, lines 12-13. The national prohibition act. Title 27, United States Code.

Page 20, lines 13-19. The act entitled " \* \* \* revenue act of 1918. Sections 211, 691-707 of Title 26, United States Code.



Page 20, lines 19-24. The act entitled \* \* \* export act. Sections 171-185 of Title 21, United States Code.

Page 21, line 15. The said acts of December 17, 1914, and May 26, 1922. Sections 211, 691-707 of Title 26 and sections 171-177, 184, 185 of Title 21, United States Code.

Page 21, line 18. The act of March 3, 1925. Sections 522-524 of Title 19 or sections 41-43 of Title 27, United States Code.

Page 21, line 21. The national prohibition act. Title 27, United States Code.

Page 22, lines 18-19. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 23, line 10. The act approved March 3, 1925. Section 523 of Title 19 or section 42 of Title 27, United States Code.

Page 23, line 19. The act of June 4, 1920. Section 943 of Title 34, United States Code.

Page 25, lines 12-14. The act entitled \* \* \*, June 10, 1926. Not in code.

Page 25, lines 16-18. The act entitled \* \* \*, June 10, 1926. Not in code.

Page 26, lines 15-16. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 26, lines 23-24. The act of December 17, 1914. Probably sections 691-696 of Title 26, United States Code.

Page 27, lines 3-4. The Treasury Department appropriation act for the fiscal year 1928. Not in code.

Page 28, lines 15-16. The act of August 4, 1886 (24 Stat. p. 227). Section 176 of Title 31, United States Code.

Page 28, lines 22-23. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 30, lines 3-4. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 31, lines 4-5. Section 16 of the act of February 5, 1917. Section 152 of Title 8, United States Code.

Page 35, lines 4-5. Sections 3 and 4, Chapter XV, of the act approved July 9, 1918. Sections 24 and 25 of Title 42, United States Code.

Page 35, line 21. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 37, lines 14-18. The act entitled \* \* \* March 4, 1927. Not in code.

Page 38, lines 19-20. Section 3, public buildings act approved May 25, 1926. Section 343 of Title 40, United States Code. Appendix.

Page 39, lines 6-7. The act of July 3, 1926. Not in code.

Page 39, lines 12-13. The act of June 25, 1910. Not in code.

NOTE.—The specific provision indicated was not located, but it is certainly not in the code.

Page 39, line 19. The act of July 3, 1926. Not in code.

Page 40, line 2. The act of July 3, 1926. Not in code.

Page 40, line 4. The acts of March 4, 1913, and August 11, 1913. Not in code.

Page 40, line 15. The act of March 4, 1913. Not in code.

Page 40, lines 16-17. Section 3, act of May 25, 1926. Section 343 of Title 40, United States Code. Appendix.

Page 40, lines 19-20. Section 5, public buildings act, approved May 25, 1926. Section 345 of Title 40, United States Code. Appendix.

Page 52, line 8. Act approved March 3, 1905. Not in code.

Page 53, lines 12-13. Section 5, public buildings act, approved May 25, 1926. Section 345 of Title 40, United States Code. Appendix.

Page 53, lines 15-16. Section 5, public buildings act, approved May 25, 1926. Section 345 of Title 40, United States Code. Appendix.

Page 53, lines 21-22. The act of July 3, 1926. Not in code.

Page 54, line 5. The act of July 3, 1926. Not in code.

Page 54, line 7. Section 5, act of May 25, 1926. Section 345 of Title 40, United States Code. Appendix.

Page 54, lines 9-10. The act of May 25, 1926. Sections 343 and 345 of Title 40, United States Code. Appendix.

Page 54, lines 21-25. The act entitled \* \* \* January 13, 1928. Not in code.

Page 57, line 24, to page 58, line 1. Section 6 of the act of May 30, 1908 (35 Stat. p. 537). Section 683 of Title 31, United States Code.

Page 60, line 1. The public buildings act approved May 25, 1926. Section 342 of Title 40, United States Code. Appendix.

Page 64, line 1. Sections 3749 and 3750 of the Revised Statutes. Sections 301 and 302 of Title 40, United States Code.

Page 64, line 7. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 64, line 13. The act approved August 4, 1919. Section 101 of Title 20, United States Code.

Page 64, line 16. The act of July 2, 1836. Not in code.

NOTE.—This act was repealed by Seventeenth Statutes, page 327, section 327.

Page 64, lines 23-24. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 65, line 3. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 65, line 10. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 69, line 16. The deficiency appropriation act, approved June 16, 1921. Section 392 of Title 5, United States Code.

Page 72, lines 20-21. The acts of April 21, 1902, and May 27, 1908. Section 423 of Title 39, United States Code.

Page 74, lines 11-12. Section 5 of the act of July 28, 1916. Sections 524-568 of Title 39, United States Code.

Page 74, lines 13-14. Section 214 of the act of February 28, 1925. Section 826 of Title 39, United States Code.

Page 76, lines 20-21. The act approved February 2, 1925. Sections 464 and 465 of Title 39, United States Code.

NOTE.—The amendment of June 3, 1926, is included in section 464 of Title 39, United States Code Appendix.

Page 78, line 2. The act of June 25, 1910. Section 760 of Title 39, United States Code.

Page 81, lines 17-23. The act entitled \* \* \* December 6, 1924. Not in code.

The Clerk read as follows:

The appropriation "Expenses of loans," contained in section 8 of the first Liberty bond act and in section 10 of the second Liberty bond act, as amended, which was made applicable by the act of June 16, 1921, to any operations arising in connection with any public debt issues made subsequently to June 30, 1921, is hereby made available for the payment of expenses of radio advertising in connection with any such issues or refunding operations.

Mr. BYRNS. Mr. Chairman, I make the point of order against the paragraph beginning on line 5 as legislation on an appropriation bill.

Mr. MADDEN. Mr. Chairman, I concede the point of order. The CHAIRMAN. The point of order is sustained.

Mr. MADDEN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: On page 12, after line 4, insert a new paragraph, as follows:

"For the payment of expenses of radio advertising in connection with public-debt issues and refunding operations in the public debt, \$10,000, to be immediately available, and to be payable from the appropriation, expenses of loan, act of September 24, 1917, as amended and extended."

Mr. BYRNS. Mr. Chairman, I make the point of order against the amendment upon the ground that it is legislation on an appropriation bill. I know of no law authorizing the use of the radio for advertising purposes, and the very fact that it is thought necessary to carry specific authorization in this bill shows on its face that it is legislation. The Secretary of the Treasury is given authority under the general statute to advertise, and he has so done heretofore. As a matter of fact, under the second Liberty loan he used the radio, but the hearings will show that the Comptroller General, while he permitted the accounts to pass, told him that hereafter he would not do it, because it was legislation and not authorized by law. I repeat, if it is not legislation, there is no necessity for carrying it in this bill. The fact that it is proposed shows that it is necessary to have legal authority for radio advertisement, and I insist on the point of order.

Mr. MADDEN. Mr. Chairman, the law which authorized the Secretary of the Treasury to issue bonds also provides that there may be set up an appropriation equal to a percentage of the total amount of the bonds, from which he is authorized to pay all "necessary expenses." On page 898 of the hearings the Chair will find the following language:

Section 10 of the act of September 24, 1917 (second Liberty bond act), which contained the second appropriation for "Expenses of loans," reads as follows:

"That in order to pay all necessary expenses, including rent, connected with any operations under this act, except under section 12, a sum not exceeding one-fifth of 1 per cent of the amount of bonds and war savings certificates and one-tenth of 1 per cent of the amount of certificates of indebtedness hereon authorized is hereby appropriated, or as much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, to be expended as the Secretary of the Treasury may direct."

It is true that the Comptroller General ruled that the language of the act was not sufficiently comprehensive to admit of the use of radio in advertising for the refunding of the bonds that were outstanding, because he said—though I think it was not a very good reason—that it was a modern appliance. If a modern appliance can not be used, what shall we use? Then, on the other hand, if the Comptroller General ratified the use of it, by the fact that he passed the account for the expenditures

that had been made, but said "don't do it again," there must be some authority in the act. Where did he get his "television" that enabled him to decide that the law was good on one occasion, but would not be good later? One time he says there is law, and then he says there is not. Which decision shall we follow? What will my friend from Tennessee [Mr. BYRNS] do in that case? Is he going to follow the first ruling of the Comptroller General, where he authorized the payment of the bills, or the second ruling, when he said there would not be any future law for them. Undoubtedly there is law. The act provides that the Secretary of the Treasury is authorized to "pay all necessary expenses." What does that mean? I do not know how many of these bonds are out, but something over \$4,000,000,000, and I think some 65 per cent, or more, of them are in denominations of from \$50 to \$100 each.

Irrespective of that, I contend that this is just as much in order as any other item in the bill. Newspaper advertising and all kinds of other activities are paid under this indefinite appropriation. Merely because this is the radio, which reaches more people and costs less money to reach them than any other method, is no reason why the law is not good, especially since the law provides an appropriation, "in order to pay all necessary expenses" and "to be expended as the Secretary of the Treasury may direct." Shall it be said and agreed that we are violating the rules when we set apart, as this amendment proposes to do, \$10,000 out of any balance of the appropriation which was authorized under the one-fifth and the one-tenth of 1 per cent of the total amount of bonds? We are also limiting the power of the Secretary of the Treasury, rather than enlarging it, because we say to him that he can take only \$10,000 out of that indefinite sum for a given purpose. We contend the purpose is not only legal but legitimate and meritorious.

Mr. BYRNS. Mr. Chairman, my friend from Illinois [Mr. MADDEN] has asked me which ruling of the Comptroller General I am going to rely upon. He seems to be relying upon the second ruling, in which the Comptroller General held that expenses incurred in the radio advertisement were not authorized by law. As the hearings disclose, the facts are that this amendment was requested by the Undersecretary of the Treasury, and it is put into the bill at his instance, due to the ruling of the Comptroller General that, although they did advertise through the radio in June, 1927, since the expense was incurred and the bills had been paid, he would permit the account to pass, but with the express notice that there was no law to authorize it, and that any future radio advertisements would be disapproved. I submit that if the argument of the gentleman from Illinois is correct this is already authorized by law, and there is no reason to place the amendment upon this bill. If they already have the authority, why give the authority again in this bill? When the general law was passed the radio had not been developed. Hence Congress could not have had such advertisement in mind. This is why the Comptroller General held this kind of advertising not authorized by law and why it is deemed necessary to have the authority given in this bill. It is clearly legislation and therefore not proper on an appropriation bill.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a question?

Mr. BYRNS. I yield.

Mr. MADDEN. It is merely because we want to spend it.

Mr. BYRNS. That is the reason offered by my friend a moment ago. My recollection is that the Undersecretary of the Secretary said it would cost \$4,400 or \$5,000, or something of that sort. But I submit, Mr. Chairman, in view of the statement of the Undersecretary, the real reason for this amendment is that it is necessary in order to permit the Treasury Department to advertise through the radio; and it seems to me that the very fact that the amendment is offered is a demonstration of that. There is no limitation on other forms of advertising. The gentleman from Illinois has not sought to make any limitation upon other methods of advertising that may be used by the Secretary of the Treasury which is authorized by law. It is rather strange that he would make an exception in favor of radio, if that be the fundamental reason for offering this amendment. I submit, Mr. Chairman, that the amendment is subject to a point of order and is legislation upon an appropriation bill.

The CHAIRMAN. The Chair is ready to rule. Section 8 of the act of April 24, 1917—first Liberty bond act—containing the first appropriation for "Expenses of loans," reads as follows:

That in order to pay all necessary expenses, including rent, connected with any operations under this act, a sum not exceeding one-tenth of 1 per cent of the amount of bonds and one-tenth of 1 per cent of the amount of certificates of indebtedness herein authorized

is hereby appropriated, or as much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, to be expended as the Secretary of the Treasury may direct.

Section 10 of the act of September 24, 1917—second Liberty bond act—which contained the second appropriation for "Expenses of loans," contains practically the same language.

These sections have been continued and extended, and they are the law to-day, so that it seems to the Chair that the only question to be decided here is whether or not the words "necessary expenses" would warrant advertising through radio. It has been suggested that the Comptroller General has refused to recognize advertising through radio because that is a "modernism." I do not know that that is exactly the ground on which a ruling should be made here, but it seems quite clear that when this law was enacted in 1917, and continued by subsequent legislation, it was the purpose of the Congress to give to the Secretary of the Treasury the discretion to use the funds appropriated by the Government for all "necessary expenses" in carrying out the purposes of the act.

Now, is this a necessary expense? Who is to determine whether or not it is a necessary expense? It seems to the Chair that that discretion is lodged in the executive officer whose duty it is to carry out the purposes of the bill. The executive officer has found that radio is a modern means and method of advertising, and in his judgment it is a proper method to use in dealing with our debt obligations under the law above mentioned. The amendment offered here is in the form of a limitation. It limits the amount which may be expended for this particular purpose to \$10,000. There is nothing in the amendment which would tend to extend or broaden the statute. The provision which was stricken out on a point of order clearly attempted to construe a statute law. Therefore under the rulings of the House it was legislation upon an appropriation bill. The Chair therefore feels that in view of the circumstances and the decisions, the words "necessary expenses" are sufficiently broad to include the item of advertising by radio, especially when a limitation is placed in the amendment. The Chair therefore overrules the point of order.

The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. LINTHICUM. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Maryland makes the point of order that there is no quorum present.

Mr. LINTHICUM. I withdraw the point of order, Mr. Chairman.

The CHAIRMAN. The point of order is withdrawn.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

#### CUSTOMS SERVICE

For collecting the revenue from customs, for the detection and prevention of frauds upon the customs revenue, and not to exceed \$10,000 for the securing of evidence of violations of the customs laws, including not to exceed \$5,000 for the hire of motor-propelled passenger-carrying vehicles, \$18,940,000, of which such amount as may be necessary shall be available for salaries of general appraisers and justices of the United States Customs Court retired under the provisions of section 518 of the tariff act of 1922, and \$169,800 shall be available for personal services in the District of Columbia exclusive of eight persons from the field force authorized to be detailed under section 525 of the tariff act of 1922: *Provided*, That not to exceed \$10,000 of the total amount appropriated shall be available for advances to be made by disbursing officers when authorized by the Secretary of the Treasury, the provisions of section 3648 of the Revised Statutes to the contrary notwithstanding.

Mr. BANKHEAD. Mr. Chairman, I desire to reserve a point of order against the proviso in order to get some information from the chairman of the committee as to what this proviso covers and the reason for it. It is clearly legislation.

Mr. MADDEN. This proviso has been in the bill for a great many years. The \$10,000 referred to is for the purpose of advancing funds in special cases to get information upon which they can disclose violations of the customs law. The United States sends agents abroad to get advance information about smuggling, so that by the time the smuggler gets over here the authorities will have all the necessary information to make arrests.

Mr. BANKHEAD. Mr. Chairman, I withdraw the reservation.

The CHAIRMAN. The reservation is withdrawn. The Clerk will read.



The Clerk read as follows:

Refunding taxes illegally collected: For refunding taxes illegally collected under the provisions of sections 3220 and 3689, Revised Statutes, as amended by the revenue acts of 1918, 1921, 1924, and 1926, including the payment of claims for the fiscal year 1929 and prior years, \$132,000,000: *Provided*, That a report shall be made to Congress of the disbursements hereunder as required by such acts, including the names of all persons and corporations to whom payments are made together with the amount paid to each: *Provided further*, That no part of this appropriation shall be available to refund any amount paid by or collected from any manufacturer, producer, or importer in respect of the tax imposed by subdivision (3) of section 800 of the revenue act of 1924, or subdivision (3) of section 900 of the revenue act of 1921, or of the revenue act of 1918, unless the Commissioner of Internal Revenue certifies to the proper disbursing officer that such manufacturer, producer, or importer has filed with the commissioner, under regulations prescribed by the commissioner with the approval of the Secretary of the Treasury, a bond in such sum and with such sureties as the commissioner deems necessary, conditioned upon the immediate repayment to the United States of such portion of the amount refunded as is not distributed by such manufacturer, producer, or importer, within six months after the date of the payment of the refund, to the persons who purchased for purposes of consumption (whether from such manufacturer, producer, importer, or from any other person) the articles in respect of which the refund is made, as evidenced by the affidavits (in such form and containing such statements as the commissioner may prescribe) of such purchasers, and that such bond, in the case of a claim allowed after the passage of this act, was filed before the allowance of the claim by the commissioner.

Mr. MADDEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: Page 19, line 8, strike out the figures "\$132,000,000" and insert in lieu thereof the figures "\$130,000,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

#### BUREAU OF PROHIBITION

For expenses to enforce the provisions of the national prohibition act and the act entitled "An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon, all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or cocoa leaves, their salts, derivatives, or preparations, and for other purposes," approved December 17, 1914, as amended by the revenue act of 1918, and the act entitled "An act to amend an act entitled 'An act to prohibit the importation and use of opium for other than medicinal purposes,' approved February 9, 1909," as amended by the act of May 26, 1922, known as "the narcotic drugs import and export act," including the employment of executive officers, agents, inspectors, chemists, assistant chemists, supervisors, clerks, and messengers in the field and in the Bureau of Prohibition in the District of Columbia, to be appointed as authorized by law; the securing of evidence of violations of the acts; the purchase of such supplies, equipment, mechanical devices, laboratory supplies, books, and such other expenditures as may be necessary in the District of Columbia and the several field offices; hire, maintenance, repair, and operation of motor-propelled or horse-drawn passenger-carrying vehicles when necessary; and for rental of necessary quarters; in all, \$12,729,140, of which amount not to exceed \$658,320 may be expended for personal services in the District of Columbia: *Provided*, That not to exceed \$1,350,440 of the foregoing sum shall be expended for enforcement of the provisions of the said acts of December 17, 1914, and May 26, 1922, and the Secretary of the Treasury may authorize the use by narcotic agents of motor vehicles confiscated under the provisions of the act of March 3, 1925, and pay the maintenance, repair, and operation thereof from this allotment: *Provided further*, That no money herein appropriated for the enforcement of the national prohibition act, the customs laws, or internal revenue laws shall be used to pay for storage in any private warehouse of intoxicating liquors or other property in connection therewith seized pursuant to said acts and necessary to be stored, where there is available for that purpose space in a Government warehouse or other suitable Government property in the judicial district wherein such property was seized, or in an adjacent judicial district, and when such seized property is stored in an adjacent district the jurisdiction over such property in the district wherein it was seized shall not be affected thereby: *Provided further*, That for purpose of concentration, upon the initiation of the Commissioner of Prohibition and under regulations by him, distilled spirits may be removed from any internal-revenue bonded warehouse to any other such warehouse, and may be

bottled in bond in any such warehouse before or after payment of the tax, and the commissioner shall prescribe the form and penal sums of bond covering distilled spirits in internal-revenue bond warehouses, and in transit between such warehouses.

Mr. LINTHICUM. Mr. Chairman, I offer an amendment and make the point of order of no quorum.

The CHAIRMAN. The gentleman from Maryland makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and twelve Members are present, a quorum. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LINTHICUM: At the end of line 15, page 22, insert: "*Provided further*, That no money herein appropriated for the enforcement of the national prohibition act shall be used in the preparation or issue of any permit for the removal or use of any industrial alcohol known to be denatured by any poisonous drug or other material injurious to the human system."

Mr. MADDEN. Mr. Chairman, I reserve a point of order against the amendment, and I ask unanimous consent that debate on this paragraph and all amendments thereto be limited to one hour and that the time shall alternate between those opposed to the amendment and those in favor of the amendment.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that debate on this paragraph and all amendments thereto be limited to one hour and that the time shall alternate between those opposed to the amendment and those in favor of the amendment. Is there objection?

There was no objection.

Mr. LINTHICUM. Mr. Chairman and gentlemen of the committee, I have introduced this amendment for the purpose of prohibiting a custom which has grown up in the Prohibition Unit, which is called by Senator JAMES A. REED a most damnable custom, a custom which allows the Prohibition Unit to put poison in alcohol when they know that of the 60,000,000 gallons of industrial alcohol which was issued 6,000,000 gallons would go to the bootleggers and become the drink of the country. They poisoned this alcohol, and the consequence has been that in this country we have had 11,700 deaths from poisoned liquor, including that directly attributable to alcohol which was poisoned and by virtue of such poison caused death from cirrhosis of the liver.

Senator JAMES A. REED said to Doctor Doran:

Do you not think that it is a very wicked thing, when you know that 10 per cent of your products are getting out to the people, to put in poison or substances that are so subtle that people will drink them without knowing and destroy their health and life? Do you not think that it is about the nearest approach to murder that a man can commit? \* \* \* You put the poison in it, and you know that 1 drop out of every 10 is going to be drunk by some human being \* \* \*. You gentlemen are officers of the law, paid by the public, and you tell me that you take 60,000,000 gallons of alcohol and render it poisonous and of the 60,000,000 gallons, 6,000,000 gallons are going to be drunk by human beings, the effect being deleterious in some instances and poisonous in others. \* \* \* Now, even if this unfortunate creature who drinks knows that he is getting it from a bootlegger, are not you after all doing something that can not be justified in morals or anything else? \* \* \* I think you are poisoning the American people. I think it is wicked; I think it is infamous; I think it is damnable.

I do not propose to discuss the matter to any great length, but it seems to me that if there ever was anything done by this Government which has been most injurious to the people of the country it has been this habit of absolutely poisoning the alcohol which it was known would get into the hands of people who drink liquor, and when the Prohibition Unit knew that 6,000,000 gallons of this denatured alcohol, poisoned under the authority and with the permission of the Government, would get into the hands of people who would drink the same.

I am not talking about the enforcement of the Volstead Act, because I think there are other ways in which it can be enforced. This amendment only prohibits the issuance of any permit which allows the distribution or withdrawal of industrial alcohol which is poisoned or which has some drug in it that is injurious to the human system.

Statistics for 1926 showing a startling increase in the death rate from alcoholism and from cirrhosis of the liver, a disease attributed to alcohol, have just been made public. Not only do they indicate the constantly increasing use of liquor under the Volstead Act but they indicate an increasing one of poisoned liquor. The figures obtained from the United States Bureau of the Census show that in virtually every State, whether called "wet" or "dry," the death rate has been mounting.

Between 1914 and the taking effect of the Volstead Act, January 17, 1920, there had been a steady decrease in the number

of deaths from alcoholism until the rate then stood at 1 per 100,000. In 1926, the last available figures just made public, it had risen to 3.9 per 100,000, or practically four times greater. In 1920 the rate of deaths from cirrhosis of the liver was 6.2; in the figures for 1926, just made public, it was 7.5, many of which deaths were caused by poisoned liquor.

The seriousness of this subject was recognized by the conference of State health officers, which met in Washington last May, and it was proposed that a commission of experts be named to study conditions from the standpoint of public health, but the United States Public Health Service, which is a bureau in the Treasury Department, which in turn is responsible for prohibition enforcement, opposed it and it was not adopted.

Certainly the death in one year of 11,700 persons from alcohol and its poisonous ingredients should receive even the sympathy of prohibition fanatics.

When we try to humanize this Volstead Act we are falsely accused, but the work will continue until this great question is rightfully decided.

I went into a discussion of this whole question yesterday, and I hope I brought out clearly why I think the Volstead Act should be modified. But no question about modification is before us at this time. There is no question as to whether you believe in prohibition or whether you do not believe in prohibition. There is no question as to whether you believe in temperance or do not believe in temperance. The great question before you to-day is whether you believe in the enforcement of the act by poisoning the liquor which is bound to get into the hands of the people and when the Government knows that 6,000,000 gallons will eventually reach them. Ten thousand gallons of poisoned alcohol mean 80,000 quarts of gin and it means 120,000 quarts of whisky. So when you poison 10,000 gallons of alcohol you poison 80,000 quarts of gin and you poison 120,000 quarts of whisky. You can from this calculate just what it means when 6,000,000 gallons of alcohol is consumed.

It is for this committee to say as to whether it approves of our Government poisoning people through this denatured poison when some other denaturant can be used which does not poison the human system, causing death or ill health.

Mr. WELLER. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. WELLER. Have the gentleman's studies with reference to poisoned liquor led him to any figures or statistics with reference to the whisky and alcohol sold by drug stores under permit?

Mr. LINTHICUM. I can say to the gentleman, as I said in my speech yesterday, that the liquor consumed in this country costs about \$2,807,000,000 for bootlegged and moonshine goods. I do not know how much liquor sold in the drug stores is consumed. Much liquor is kept in the drug stores and sold on prescription. It is quite a vast quantity, but I have not been able to get any figures upon it.

Mr. SIROVICH. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. SIROVICH. Will the gentleman kindly tell the House the quantity and the character of the drugs or poisons that are put into liquor by the Government?

Mr. LINTHICUM. I am not informed as to the quantity or character of poisons they put into it, but I know it was admitted by Doctor Doran that 6,000,000 gallons of poisoned alcohol went into the hands of those people who drink it.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. BLACK of Texas. Mr. Chairman, I make the point of order against the amendment upon the ground that while the language of the amendment is in the form of a limitation that really it amounts to the enactment of a new legislative policy, and that is not permissible under the rules of the House on an appropriation bill.

Supporting the point of order, I would cite the Chair to a brief statement of a decision rendered by Chairman LUCE on January 8, 1925, reported in paragraph 825 of the Rules of the House as contained in the manual. Mr. LUCE, the Chairman, in that decision said:

In construing a proposed limitation, if the Chair finds the purpose to be legislative, in that the intent is to restrict executive discretion to a degree that may be fairly termed a change in policy rather than a matter of administrative detail, he should sustain the point of order.

The present Volstead Act contains a provision that permits the issuance of permits for the use of alcohol for industrial purposes, but it also demands that such industrial alcohol shall be denatured so that it will be unfit for use for beverage purposes. If the amendment that is now pending should be enacted, practically that part of the Volstead Act would be

repealed and the Secretary would not be able to issue permits for alcohol to be used for industrial purposes. He would have to scrap all of his formulas for denaturing alcohol. I submit, if the amendment is adopted it amounts to the enactment of a legislative policy and therefore is in contravention of the rules of the House.

I make the point of order upon that ground. It is really tantamount to the enactment of a new legislative policy and is not a limitation on an appropriation bill in the sense that limitations are in order.

Mr. LINTHICUM. Mr. Chairman, only a few days ago the question was up whether we could put a limitation on a bill prohibiting the Government or the War Department from transporting troops into foreign territory. My amendment is very similar to that amendment then proposed and which was ruled in order by the Chair at that time. That, also, if passed, would have changed the policy of the National Government, especially the policy of the present administration, because it is transporting troops into foreign territory. It is supplying troops in foreign territory, and the adoption of that amendment, which was ruled in order by the Chair, would have changed the whole policy of the present administration upon that subject. Now, the policy which we propose to change is the policy of poisoning American citizens by inserting poisonous drugs in industrial alcohol which is issued under these permits. If the amendment which was ruled in order the other day, and which was a limitation, was proper then, certainly this amendment is proper now.

Mr. BLACK of Texas. Mr. Chairman, I just wish to say in reply to some of the things which have been said that the purpose of these permits is not to permit alcohol to be withdrawn for beverage purposes but for industrial purposes. There is nothing before the House as a scientific fact that we may know that it is possible to really denature alcohol without putting something in it that is harmful or poisonous to the human system. Certainly you would not denature alcohol by flavoring it up so as to make it pleasant for the human taste. It is probably not possible to denature alcohol without putting into it some unwholesome substance; and yet if this amendment is enacted the whole legislative policy would be changed; and it might be beyond the possibilities to permit alcohol to be withdrawn for industrial purposes.

Mr. LINTHICUM. Mr. Chairman, the facts are that Doctor Doran, who is now in charge of prohibition enforcement, stated that 60,000,000 gallons of industrial alcohol is withdrawn every year. He also stated that he knew that 6,000,000, or 10 per cent thereof, is used for beverage purposes in this country. He stated it was all poisoned, and Senator REED called it a most damnable act to poison American citizens. I do not know that this amendment will change the policy of the Government, but if it is the policy of the Government to poison American citizens, it ought to be changed, and that is the purpose of this amendment. The gentleman from Texas [Mr. BLACK] the other day voted for the amendment which prohibited the National Government or the War Department from transporting troops into foreign territory. This amendment is on all fours with that.

Mr. BLACK of Texas. Oh, that is not a change of legislative policy.

Mr. LINTHICUM. That would have changed the whole policy of the Government.

Mr. BLACK of Texas. No; there is no legislative policy that authorizes the President to send American troops into a foreign country.

Mr. LINTHICUM. And there is no legislation that authorizes the Prohibition Bureau to poison American citizens, but they do it just the same, and they kill thousands more people than they do in Nicaragua.

Mr. BLACK of Texas. Oh, well, of course they do not do that.

Mr. LINTHICUM. They do do it.

Mr. BLACK of Texas. There is a law that authorizes the Prohibition Bureau to issue permits for industrial alcohol and the affirmative requirement is that it be denatured.

Mr. LINTHICUM. And the Prohibition Bureau passes upon the substance through which it is to be denatured, because I talked to them and they told me that themselves.

Mr. LEHLBACH. Mr. Chairman, with reference to the point of order, of course we understand that with the merits of the proposition we have nothing to do. Whether a limitation on the expenditure of an appropriation changes the policy of the Government, by prohibiting or preventing through lack of money for that purpose a course of action which the Government has heretofore pursued, has nothing whatever to do with the determination of the question. An amendment is simply a



limitation if the money hereby appropriated may not be spent for a certain specific purpose. If that is all the amendment does, it is a limitation.

This proposed amendment does not impose new duties on any official of the Government. It does not vest any official of the Government with discretion that he at present has not. It does not change a substantive law on any subject. It merely says that the money herein appropriated shall not be spent for this purpose, which is a clear purpose that requires no discretion, no affirmative administrative action to ascertain its application, or anything of that sort. Therefore it is clearly a limitation and in order.

Mr. CRAMTON. Mr. Chairman, the gentleman from New Jersey is not quite correct. The amendment that has been proposed, it is true, does not vest any official of the Government with a discretion he does not have now. It does not add any discretion which officials of the Government do not now have, but it does, on the contrary, take away a discretion which they do have.

Mr. LEHLBACH. Will the gentleman yield?

Mr. CRAMTON. I will.

Mr. LEHLBACH. Does not every limitation take away from an official the discretion to spend the money?

Mr. CRAMTON. The limitation may properly take away from the official the opportunity to spend the money, but the limitation, to be in order, must not change the law under which he must act in the performance of his official duties. Under the law the Commissioner of Prohibition is required to pass upon applications for permits for the withdrawal of certain alcohol for industrial use. In order to protect the use of that alcohol, in order that he may perform his duty and be sure that the alcohol is used not for beverage purposes but only industrially, he has the authority to require certain ingredients put in the alcohol, and certain formulas are submitted to him and approved by him.

This amendment does not say that he may not use any money in passing on applications for permits. If that were the amendment, however unwise it might be, it would be parliamentary—if the amendment read, "none of this money shall be used in the supervision of the issuance of permits," that would be parliamentary and in order.

Instead of that it says that he can use this money only in issuing permits for certain kinds of alcohol, permits for the use of industrial alcohol according to certain formulas. Now, that is a change of substantive law. It limits the discretion of all officials, and under our rules a limitation may not limit the discretion of officials or add to their discretion or place new duties on them. It is clearly, Mr. Chairman, not in order under the rule as to limitations.

Mr. LEHLBACH. Will the Chair indulge me a few more words?

The CHAIRMAN. The Chair will be glad to hear the gentleman.

Mr. LEHLBACH. All the amendment does is to say to the official you may not spend this money to secure the placing in industrial alcohol poisonous or other injurious substances. It does not vest them with discretion. Every inhibition to spend money takes away from the official the discretion of spending the money for that purpose. All this limitation does is to say you can not exercise your discretion in the use of poison in alcohol.

Mr. HOCH. Mr. Chairman, if I understood the reading of the amendment the latter part says—will the Chair give me the latter part of the amendment?

The CHAIRMAN. The amendment reads:

*Provided further,* That no money herein appropriated for the enforcement of the national prohibition act shall be used in the preparation or issue of any permit for the removal or use of any industrial alcohol known to be denatured by any poisonous drug or other material injurious to the human system.

Mr. HOCH. It is the latter part that I have reference to. I concur in the argument made by the gentleman from New Jersey with the possible exception of the last few words, "injurious to the human system." If it said which contains some particular substance so there would be no exercise of judgment I think it would be simply a limitation on the expenditure of this money and therefore in order under the rule. But if it imposes a duty on the officials to go into a chemical examination or analysis to determine whether certain substances are injurious to the human system then I think this goes beyond a mere limitation and imposes a new duty on the officials.

Mr. LEHLBACH. Mr. Chairman, in answer to the gentleman from Kansas I wish to say that if it required study, if it required analysis, if it required any protracted labor or examination to ascertain what is injurious to the human system

there might be some merit in the argument of the gentleman from Kansas. But any child of reasonable intelligence who goes to a grammar school knows that the substances used to denature alcohol are injurious to the human system.

Mr. HOCH. Mr. Chairman, I am not sure that the gentleman states a fact when he says that there is no question about the things that are injurious to the human system. There might be, and probably is, a great difference of opinion in respect to that. In fact, the gentlemen who are urging this amendment claim that alcohol itself is helpful to the human system, while others assert that it is injurious. An amendment to an appropriation bill, offered as a limitation, must clearly come within the rules of the House in order to make it in order as a limitation. It seems to me that the latter part of this amendment does place a new discretion and a new duty upon an administrative officer. In other words, it would not be a clear case of whether this money was to be spent or not. In order to bring it within the rule of limitation it must be a case so clear that the administrative officer will have no question whatever as to whether this money should be expended for that purpose, and as soon as it is not clear, and he is compelled to determine something, then I think we have gone beyond the rules of the House as to limitations, and have imposed upon this administrative officer a new duty.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. HOCH. Yes.

Mr. LINTHICUM. The gentleman, of course, is aware that all of these denaturants are passed on by the Prohibition Unit before they are used, and they know just what drug or other material is used in every bit of industrial alcohol for which they issue permits; so that it is a knowledge they already have.

Mr. HOCH. They know what drug is used, but the question of whether it is injurious to the human system is another matter.

Mr. LINTHICUM. Any medical encyclopedia would tell them what the effect of the drugs are.

Mr. BLACK of Texas. Mr. Chairman, I would like to make this one more observation. We must recognize that we are not dealing with medicinal liquors in this pending amendment. Medicinal liquor is prescribed by a physician. Under the Volstead Act the Prohibition Unit has the right to issue permits for the use of industrial alcohol, but must require that it be denatured. Naturally the Prohibition Commissioner, from humane motives, undertakes to prescribe formulas that will be as little harmful as possible to the human system if the alcohol be unlawfully diverted to beverage purposes. He does that, of course, because he recognizes that some unfortunate may get hold of the liquor and drink it, and he naturally uses all of the scientific knowledge that is at his command in order to prescribe formulas that will not be harmful to the human system. But if we adopt this amendment it will then become the affirmative duty of the commissioner, if he issues these permits for industrial alcohol, to make an exhaustive research to see that any formula used will not be harmful to the human system. It must be remembered that we are dealing with industrial alcohol and the law requires that it be denatured. To denature alcohol does not mean to flavor it up with vanilla extract or other pleasant-tasting flavors. That would not be denaturing alcohol, but would be making it pleasant for beverage purposes.

Mr. O'CONNELL. Mr. Chairman, will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. O'CONNELL. Why should he not make an exhaustive investigation?

Mr. BLACK of Texas. He does, but you might by this sort of a limitation put it beyond his powers to issue any permit for industrial alcohol.

Mr. O'CONNELL. I think we are putting it within his power to do it by that amendment.

Mr. CRAMTON. Mr. Chairman, from a hurried reference to the Volstead Act there is a requirement in section 2 of Title III that—

Any person hereafter establishing a plant for the production of alcohol shall likewise before operation make application, file bond, and receive permit.

Again, in section 11 of the same title, under "tax-free alcohol," there is a provision that any person permitted to obtain alcohol tax free, except the United States, and so forth, shall first apply for and secure a permit to purchase the same and give the bonds described under Title I, but alcohol withdrawn for nonbeverage purposes for use of the United States, and so forth, does not apply.

It is made the duty of the Commissioner of Prohibition to issue a permit for the use of alcohol for nonbeverage purposes. This amendment limits the discretion of the official in performing that duty. If the amendment should provide that this

money could be used for passing upon applications for permits, that would be a proper limitation, so far as the parliamentary situation is concerned, but when they go further and say that the Commissioner of Prohibition must continue to pass on those applications for permits and that in passing on them he shall not have the authority he has heretofore had, he shall not be permitted to require certain formulas to be used, certain denaturants to be used, but must permit only the use of such denaturants as he holds are not injurious if used as a beverage, he is immediately called upon and forced to exercise a determination as to whether or not they are injurious. You will put that new duty upon him to determine whether that which is used in order to prevent the use of alcohol for beverage purposes is going to be noninjurious if used for beverage purposes. It adds a new responsibility and it takes away a wide discretion that he now has.

The CHAIRMAN. The Chair, of course, has had no opportunity to make any investigation of this matter other than the arguments presented on the floor. Those arguments, of course, present different views and are far from satisfying. Each of the eminent parliamentarians discussing the matter is thoroughly satisfied that he is absolutely correct in his deductions. The Chair has no such certainty of opinion. However, at first blush the Chair believes that this amendment is a limitation, such a limitation as is permitted under the rules and precedents of the House.

It does not require an investigation; it does not interfere with the discretion of an officer; nor does it necessarily change a policy. A limitation merely provides that the money appropriated may not be used for a certain purpose, whether that purpose changes a policy or nullifies an act. It is a restriction upon the use of the money. That is all that this amendment does.

As to whether or not it interferes with the discretionary power of the enforcement officer of the prohibition law to such an extent as to change the policy of the department is another matter, but the Chair feels that the enactment of this amendment would not change the policy. So far as an investigation being necessary on the part of the enforcement officer is concerned, the Chair finds the language to be, "shall be used in the preparation or issue of any permit for the removal or use of any industrial alcohol known to be denatured by any poisonous drug or other material injurious to the human system," and the Chair does not feel that that would require an investigation, an extensive investigation, on the part of the enforcement officer. It does not appear that additional duties are imposed upon an officer. It provides how this money shall be expended. Regardless of the Chair's opinion as to the merits of the amendment, he feels constrained to overrule the point of order.

The question is on agreeing to the amendment.

Mr. MEAD. Mr. Chairman, I desire to take the time of the House for a few moments, first of all, to answer a statement advanced by the gentleman from New York [Mr. LaGuardia] a few days ago which reflected upon the fair name of the city of Buffalo, N. Y., and also to say something about the great problem that we have along the Niagara frontier, which, in my judgment, is very germane to this section of the bill making appropriations for the regulation of the importation and exportation of intoxicating liquors. The gentleman [Mr. LaGuardia] stated—to use his exact language I read from the RECORD:

The sad feature about this is that a close investigation of this office—to which the gentleman refers—will find several agents of the Government going there at stated intervals; that breweries in New York City, Kingston, in Poughkeepsie, in Westchester County, and also in Erie and Monroe Counties, operate through this clearing house.

Now, my friends, that is not true. I deny that there are any breweries operating illegally in Buffalo. I deny that there is any protection given to breweries in my particular section of the country. Let me read to you a statement from the Buffalo Evening News of Wednesday, February 1, the day before the gentleman made his charges:

One hundred and sixty thousand dollars in beer to be destroyed—Ontario's new law spolls "near-beer" trade here, so East Buffalo brewery will quit business.

Talking about the sad features, that certainly is the sad feature.

Five thousand barrels of beer, all of preprohibition strength, will be destroyed by dry agents, acting in conjunction with employees of the Ebbco Beverage Co., operators of the \$400,000 East Buffalo brewery in Emslie Street, near Williams Street, as the result of the decision of the officers of the company Tuesday to surrender the corporation's cereal beverage permit and retire from the brewing business.

This company has been in business for 60 years, and prior to prohibition occupied an outstanding position in the brewing industry. Employees were given written notice to-day of the discontinuance of the business.

With Ontario breweries providing good standard beer and ales, the market for prohibition near beer in the Buffalo area has diminished almost to the vanishing point, and that fact and the constantly increasing regulation to which cereal beverage manufacturers are subjected by the Prohibition Department are assigned by officers of the company as the governing reason in their decision to retire from the cereal beverage business.

It is useless for us to attempt further competition when Canadian breweries are all making brews of proper strength—with emphasis on the word "proper."

Now, my friends, prohibition in this country and temperance or personal liberty in Canada makes this international problem a most serious one. With New York, on one side of the Niagara River, as dry as the Sahara Desert, and Ontario, just across the river, as wet as the river that separates us from that land of promise, we find a great and serious situation developing day by day; so much so that some patriotic citizens decided to build a great concrete bridge that would connect the city of Buffalo with the Dominion of Canada and bring us closer together in friendship, in spirit, and perhaps in spirits. [Laughter.]

This bridge was dedicated on the 4th day of July, the day we celebrate our independence—save the mark—and on that great day the Prince of Wales and many other princes of good fellows joined in dedicating that wonderful structure. Thousands of people crossed the bridge that day into the moist Province of Canada, and when many of them returned they were as unconstitutional as any good quart of Scotch ever happened to be. [Laughter.]

When the discussion came up about the building of this great bridge some people complained because of its cost. It was to cost in the neighborhood of \$5,000,000. But many of them, who have since used the bridge, say it is worth a hundred millions. [Laughter.] Others contend that it would have been better for this country to have built a pipe line, with one end of it open in the city of Buffalo. [Laughter.]

Astounding statistics on the continued growth of Canadian liquor exports to the United States, despite United States dry laws, have just been compiled at the Canadian capital. They show an increase of over \$2,000,000 in the 1927 Canadian-United States booze business over the 1926 figures.

Whisky exports from Canada to the United States—here are the monthly totals for the two years 1926 and 1927:

	1927	1926
January.....	\$1,774,533	\$1,241,013
February.....	1,112,825	1,056,629
March.....	1,699,928	1,616,213
April.....	905,684	790,581
May.....	1,342,754	749,156
June.....	1,696,680	1,382,308
July.....	1,228,577	1,216,474
August.....	1,407,055	1,119,205
September.....	1,718,685	1,490,002
October.....	1,625,713	1,459,272
November.....	1,603,392	1,774,784
December.....	1,600,000	1,579,343

In addition to the above big totals, there were exported from Canada to the United States during 1927 foreign liquors to the value of \$2,500,000, as compared with \$1,183,533 in the corresponding period in 1926, and also some \$6,000,000 worth of beer, gin, and other beverages.

CANADA EXPORTS \$26,000,000

The monthly comparisons of Canadian booze shipments to the United States will show that there was an increase over every corresponding month of 1926, excepting in November, when, for some reason—probably a brief period of activity by preventive officers—the month's total showed a decline of about \$170,000 over November of 1926.

The same Government compilations provided an eye opener for Canadians in another respect, and that was that the dominion is spending about \$1,000,000 a week on alcoholic beverages. The domestic production of whisky, gin, beer, and other strong drinks amounts to \$40,000,000 per annum. And Canada has imported during the 12 months of 1927 another \$40,000,000 worth. Of the total quantity Canada exported to the United States and other countries \$26,000,000 worth, keeping \$54,000,000 worth to quench the thirsts of its own 9,000,000 people.

Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.



The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for five additional minutes. Is there objection?

Mr. MADDEN. Mr. Chairman, I object. Of course, if this is to be taken out of the 30 minutes given to those in favor of the amendment, I shall not object.

The CHAIRMAN. The time will come out of the 30 minutes given to those in favor of the amendment.

Mr. LINTHICUM. Mr. Chairman, a parliamentary inquiry. The CHAIRMAN. The gentleman will state it.

Mr. LINTHICUM. I understood I was to control 30 minutes of the time and that the gentleman from Illinois was to control 30 minutes of the time. I wish to say that I have two requests for time, and I ask the Chair to bear that in mind.

The CHAIRMAN. The Chair will recognize gentlemen for five minutes. Any additional time must be gained by the unanimous consent of the committee. The Chair again states: Is there objection to the request of the gentleman from New York that he may proceed for five additional minutes?

Mr. CRAMTON. Mr. Chairman, let us understand. That would be a part of the 30 minutes?

The CHAIRMAN. That would be a part of the 30 minutes in favor of the amendment. Is there objection to the request of the gentleman from New York.

There was no objection.

Mr. MEAD. Connecting up my story, I want to say that the problem which confronts us along the Niagara frontier is due, of course, to the fact that Canada has repealed prohibition and substituted Government control, with the result that the citizens of the United States, taking advantage of the situation, journey over to Canada in large numbers.

On the Canadian side of the river, on what was formerly mere pasture land, there is in the building a great city, 25 miles in length. They are constructing club houses, building athletic institutions, summer homes; in fact, a great city is being built, to the economic loss of our side of the river and the enrichment of the wise Province of Ontario.

As an example, here is an invitation that came to me a few days ago from a newly formed Country Club in Canada:

JAMES M. MEAD, Esq.

DEAR SIR: There will be a social for the members, their families, and friends Sunday, February 12, from 2.30 p. m. to 12 m.

Try and come over and have a real day's enjoyment in our new clubhouse—

And so forth.

Many of these clubs are being formed over there for the accommodation of our citizens, and I want you to know the hospitality of our Canadian friends is unbounded. On one occasion a Buffalonian went over there to get a permit to buy his ration of liquor. When asked where he lived he was a little reluctant as to whether he ought to tell a lie and give a Canadian address. The clerk in the store actually thought of an address and gave it to him. So, my friends, they have the welcome sign out for Americans all the time, and while we are trying to hinder Canadians from coming into our country by our strict enforcement of the immigration laws, they are welcoming Americans by the thousands into their country. In that they are as wise as we are stupid.

The Ontario Tourist Bureau is pleased to report that for the past season tourists entering the Province by automobile spent something over \$40,000,000, an increase of 48 per cent over 1926. Wet now.

Included in the expenditure is \$80,600 for liquor licenses. How much was spent for the liquor obtained with the licenses is not given by the bureau, but a statistician on the outside figures that it might reach the full total of expenditures given by the bureau.

All together about \$300,000 went into the imperial treasury from the visitors from this side the line.

Ontario is a beautiful country and it has some fine fishing grounds. There are beautiful spots in the United States, too, and some excellent fishing is to be had without going so far afield; but the fishing on this side, notwithstanding the eagerness of the trout to bite, is rather dry compared to that in Ontario, so New York must grin and bear it.

Ontario stands for national decency, for honesty, public integrity, and a high standard of morals, while hypocrisy, deceit, lawbreaking, and debauchery is rampant under prohibition in our land.

The CHAIRMAN. The gentleman from Michigan [Mr. CRAMTON] is recognized for five minutes. [Applause.]

Mr. CRAMTON. Mr. Chairman, this amendment vitally involves the enforcement of the eighteenth amendment to the Constitution. More than that, I have the word of Doctor Doran

that it involves the prosperity of many great industries in this country.

It is interesting to me to see what the policy is to be of the wet bloc in the House as presented by its newly chosen leader, the gentleman from Maryland [Mr. LINTHICUM]. The policy of our other friend from Maryland, John Philip Hill, was to destroy the eighteenth amendment by authorizing beer and wine, but it is apparent that the gentleman from Maryland [Mr. LINTHICUM], the new leader, has on his banner, "Hamstringing enforcement in any way we can do it."

Now, on yesterday the gentleman from Massachusetts [Mr. GALLIVAN] announced his implicit confidence in Doctor Doran, the Commissioner of Prohibition. That is the only thing my friend from Massachusetts ever said on this question with which I agree entirely with him. I have implicit confidence in Doctor Doran, and this House has implicit confidence in him. Doctor Doran has the responsibility of enforcing the law, and it is beneath the dignity of Members of this body to attempt to take steps which are only intended to destroy the work of enforcement. Doctor Doran is the man who has the responsibility. Every Member of this House ought to be behind him in his efforts to enforce the law. What does Doctor Doran say about this amendment? I just called him on the telephone. I read the amendment to him. What does Doctor Doran, who has the responsibility, who has studied the question, who is the chemist who had to do with these formulas before he became Prohibition Commissioner, say about the proposed amendment? He says:

It would not only be destructive of enforcement, it would be destructive of industries as well; it is so far-reaching as to be nothing but nonsensical.

Doctor Doran tells me there are 95,000,000 gallons of alcohol lawfully used in industry, great industries already built up, and there is a constant increase in its lawful use. If this amendment goes through, he says that tremendous industries will immediately be destroyed because they will not be able to get the kind of alcohol they need in their industry. I hope even my friend from Maryland [Mr. LINTHICUM] would not desire to destroy, hamper, and interfere with great industries, even if he is willing to destroy enforcement of law.

This amendment provides that there can be no permit for the issuance of industrial alcohol denatured by any poisonous drug. Doctor Doran tells me that there is no industrial alcohol now issued but what is denatured by some denaturant that would be injurious if used for beverage purposes. So the amendment would say that no permit could be issued for the issuance of industrial alcohol denatured in any way, because—

Mr. LINTHICUM. Will the gentleman yield?

Mr. CRAMTON. Yes; I will yield.

Mr. LINTHICUM. I want to ask the gentleman a question. The statistics show that 11,700—

Mr. CRAMTON. Just put the question. I do not care for the debate.

Mr. LINTHICUM. I can get to it quicker in this way.

Mr. CRAMTON. I am sorry, but I can not yield except for a question.

Mr. LINTHICUM. I want to ask the gentleman if he is in favor of using poison to denature industrial alcohol and thereby murder the people of this country?

Mr. CRAMTON. Since I want to see the law enforced, and the greatest good to the greatest number will come through enforcement of the law, I am willing to have used as a denaturant that which it is necessary to have used in order to make it effective. [Applause.]

Mr. LINTHICUM. Even poison?

Mr. CRAMTON. And when one draws this for one purpose and unlawfully uses it for another he has full notice; and Doctor Doran states there is no denaturant now used that would not be forbidden under this proposed amendment.

Adoption of the amendment, I will say to the committee, therefore only means one of two things: Either no permits are to be issued, or there must be a free use of alcohol without any denaturant whatever. This would, on the one hand, destroy utterly enforcement of the eighteenth amendment, and, on the other hand, would cripple and destroy many great industries.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. LAGUARDIA, Mr. SIROVICH, and Mr. PALMISANO rose.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman and gentlemen, I am as "wet" as any man in this House, and I have been consistently opposing prohibition, but there is only one way to do it and that is by constitutional or legislative methods. You can not do it in any other way.

Denatured alcohol is nothing new. You had denatured alcohol before you had prohibition and if a "wet," so-called, desires to take the attitude that our function here is to get "hooch" made of colored raw alcohol on the market, then you can consistently vote for this amendment; but this is not going to hasten but retard the day when Congress will have to deal with this subject intelligently, constructively, and basically.

What we, as "wets," ought to do, gentlemen, is not to offer an amendment of this kind, but insist upon the Prohibition Bureau having sufficient men, appropriating enough money so that not one ounce of denatured alcohol can find its way into channels where it will be used for beverage purposes.

Mr. LINTHICUM. Will the gentleman yield?

Mr. LAGUARDIA. Yes; I yield.

Mr. LINTHICUM. I want to ask the gentleman what he estimates that would cost the Government.

Mr. LAGUARDIA. That is just my point. That is the attitude I have assumed. If the American people want prohibition, if our friends the "drys" here are sincere, it will cost them anywhere from \$200,000,000 to \$250,000,000.

Mr. O'CONNELL. And then they will not enforce it.

Mr. LAGUARDIA. And then they can not enforce it, and then the American people, I will say to the gentleman from Maryland, will realize that this law is humanly impossible of enforcement; but this nibbling at it by ineffective amendments will in no way help the cause.

Mr. GREEN of Florida. Will the gentleman yield?

Mr. LAGUARDIA. No; I do not yield to the gentleman from Florida. Florida is so happily situated near the West Indies that you get all the pure liquor you want and it is hypocritical to take any stand as to law enforcement.

Mr. GREEN of Florida. Florida will always take the stand of upholding the laws of our Nation and the integrity of those laws.

Mr. LAGUARDIA. And there are more prohibition law-breakers in the gentleman's State, in proportion to population, than there are in my State.

Mr. GREEN of Florida. I do not think the gentleman can prove that.

Mr. LAGUARDIA. Oh, I have been down to Miami.

Mr. GREEN of Florida. I hope the gentleman goes there and stays there, I will say to my friend. [Laughter.]

Mr. LAGUARDIA. Now, gentlemen, what we ought to do here is to add \$50,000,000 a year to this appropriation and to create a force that will go into every State. I pointed out here the other day that we have about 2,034 agents.

That would not permit even 10 to 1 in the largest 250 cities in the United States. Do you not see that the law is only being partially, locally enforced here and there. It is hardly being enforced in the so-called dry States. We will get nowhere until we bring the facts right home to the American people. Until we so enforce the law and dry up the dry States, and it will cost hundreds of millions of dollars.

Mr. GRIFFIN. Does the gentleman recommend us to vote against this amendment?

Mr. LAGUARDIA. Yes.

Mr. CAREW. Does the gentleman intend to vote against it?

Mr. LAGUARDIA. Yes; I am going to vote against it; I am here not to facilitate the bootlegger; I am here to seek a change in the law by constitutional and legislative means. [Applause.] That is my attitude, and I stick to it. I do not care if all of the bootleggers in New York are opposed to me; the gentleman can have them if he wishes. [Applause.]

Mr. BLANTON. Mr. Chairman, naturally I am opposed to this wet amendment. This is only the annual fight that the so-called wets make against the enforcement of the law. Since the rider of the great white charger from Baltimore has disappeared from the scene of battle his mantle has fallen on the shoulders of another gentleman from Maryland, our distinguished friend [Mr. LINTHICUM].

There was offered in their last fight on the floor by one of the most distinguished Members of Congress, who was specially selected for the purpose, the distinguished gentleman from Virginia, HENRY ST. GEORGE TUCKER, who was formerly president of the American Bar Association, an amendment that would absolutely tie the hands and feet of every prohibition-enforcement officer in the land, and the House by an overwhelming vote defeated it.

What does our friend from Maryland [Mr. LINTHICUM] want to do about this lawless liquor? Does he want to make it so

palatable to the taste that everybody will want to drink it? What does he want to do with this lawless stuff? He has taken an oath to uphold and support and defend against all enemies foreign and domestic against this Constitution, and what does he now want to do about it? Does he want to make this liquor so that it will be an inducement, a special temptation to people to violate the law?

Why, before the constitutional amendment was passed, before Volstead was ever heard of, there was poison placed in denatured alcohol. The time now is no different from the former times in that respect. The Government is doing what it has been doing for years, and I am glad to see the distinguished now orthodox Republican, my friend from New York, Mr. LAGUARDIA, oppose this amendment; he is in favor of the law and will endeavor to defend the fundamental law of the land.

This amendment is ridiculous. It will get a few more votes than the Henry St. George Tucker amendment, because some will justify their vote from a sentimental standpoint, from a humanitarian standpoint, and say that we do not want some poor fellow to get hold of poison. Why, my friends, they can drink numerous other poisons now if they want to; there are lots of poisons procurable in drug stores, if they want deliberately to drink it. They know that denatured alcohol is poison. Have the citizens of this land become so helpless that they have to have Grandmother LINTHICUM, from Maryland, walk around with them to protect them from poisoned alcohol? [Laughter.] Do they have to have special laws and protection from the wets of the country to keep them from drinking this injurious alcohol? You will get a few more votes. There is one thing about the wets, however, that I like, and that is that they never give up, even when engaged in a hopeless cause. They have got their full forces here now. The gentleman from New York [Mr. GRIFFIN] is here to help them on this momentous occasion. I see that they have their full membership here, but when the vote is counted they again will have only a handful and yet they come back month after month and year after year to continue their hopeless battle.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIROVICH. Mr. Chairman and fellow Members of the House, for almost a quarter of a century I have been in the practice of medicine.

Never have I participated in the drinking of any alcoholic beverages. In my opinion the use of liquor has never destroyed the lives of human beings, but the abuse of it has. Moderation has been my precept in every form of indulgence. In my humble opinion the greatest evil of this country to-day is overindulgence in every line of endeavor. Thus we have two patent examples of overindulgence—drunkenness swinging the pendulum to one apex while prohibition carries it to the heights of the other. Temperance, therefore, should be the avenue we should travel in approaching this great and momentous problem that confronts our country. [Applause.]

The materia medica classifies alcohol in the following five groups:

First. Absolute alcohol, which is 97 per cent alcohol.

Second. Whisky, gin, rum, cognac, brandy, and rye contain between 45 and 49 per cent alcohol.

Third. The red wines, white wines, and champagne contain from 10 to 18 per cent alcohol.

Fourth. The stouts, ales, and porters contain from 4 to 6½ per cent alcohol.

Fifth. Beer contains from 1 to 3 per cent alcohol.

The 97 per cent or absolute alcohol is used in the elaboration, perfection, and development of most of the medicinal drugs which are utilized by doctors and pharmacists in dispensing medicine.

There is not a dry Member in this House who does not use alcohol every time he takes his physician's prescription to allay his sufferings, because most of the drugs and herbs used in pharmaceutical preparations can not be dissolved in any other media but alcohol. So I repeat, there is not a dry Member of this House, or his family, who does not use alcohol when he takes medicine.

Prior to prohibition the Government of the United States imposed a tax on pure alcohol and a very small tax on industrial alcohol. Into this industrial alcohol used for commercial purposes, the Government placed various chemical ingredients such as kerosene, quinine, creosote, pyridine, formaldehyde, bichloride of mercury, wood alcohol, and countless other poisonous substances so that this industrial alcohol might not compete with the tax-paid pure alcohol.

Since prohibition has come into being 60,000,000 gallons of industrial alcohol are presumed to be used annually for commercial purposes, 6,000,000 of which, however, are diverted and



converted by unscrupulous bootleggers to the clandestine purveyors of bootleg whisky. It is this industrial alcohol poisoned by the Government that has sent thousands of our unfortunate American citizens to an early and unsuspected grave.

Shall we have our Government act as a Lucretia Borgia of medieval days, who poisoned all who came into intimate contact with her? Shall we in this twentieth century—this civilized twentieth century—turn back to medieval times and leave to posterity the infamous heritage of the Borgias? I for one am irrevocably opposed to the country I love committing murder. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SIROVICH. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

Mr. EDWARDS. Mr. Chairman, reserving the right to object, how much time is remaining?

The CHAIRMAN. Twenty minutes have been consumed for the amendment and 25 minutes against the amendment.

Mr. MADDEN. And if he gets unanimous consent, does that add to the hour?

The CHAIRMAN. It comes out of the hour.

Mr. BLANTON. How much time is left?

The CHAIRMAN. For the amendment 10 minutes are left, and against the amendment 15 minutes.

Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SIROVICH. Mr. Chairman and gentlemen of the House, it is this 6,000,000 gallons of diverted and converted industrial poisoned alcohol that finds its way to human consumption and is responsible for the murder annually of 12,000 of our citizens. This frightful mortality of 12,000 has the added horror of the morbidity of those who become victims of alcoholic gastritis, cirrhosis of the liver, Bright's disease, optic neuritis, and blindness, which are all attributable to the poisonous substances contained in denatured alcohol.

Mr. Chairman, as long as the prohibition law is upon the statute books of our country I believe in its complete and rigid enforcement and will vote for any measure that will carry into effect that feature of our Constitution. [Applause.]

The question before the House is not whether one is in favor of prohibition or opposed to prohibition; not a question of temperance or intemperance; not a question of those who are honest in their views or those who are otherwise; but the fundamental and only question before the House is the amendment of the gentleman from Maryland [Mr. LINTHICUM], whether the Government shall put into industrial alcohol obnoxious drugs to make it unpalatable, or to put poison in it that ultimately commits murder.

Personally, I am in favor of denaturing alcohol with such ingredients that will make it unpalatable; yes, even nauseating, for human consumption; but loving humanity as I do, especially those weak, who need the guidance and assistance of others, I plead with you Members of this historic body not to permit our country to become particeps criminis to a continuation of horrors that have come in the wake of governmental participation in the poisoning of denatured alcohol. [Applause.]

Mr. LA GUARDIA. Mr. Chairman, will the gentleman yield?

Mr. SIROVICH. I yield to the gentleman from New York.

Mr. LA GUARDIA. The amendment under consideration does not do anything.

Mr. SIROVICH. Read the amendment.

Mr. LA GUARDIA. I have.

Mr. SIROVICH. So have I. In effect this amendment prohibits the use of toxic or poisonous drugs. There is no objection to drugs that would denature the alcohol so long as they are not injurious to the body, and my contention is that any drugs that are in there which are not injurious, from the standpoint of poisoning, may be safely used as a denaturant.

Mr. WELLER. Mr. Chairman, will the gentleman yield?

Mr. SIROVICH. Yes, sir.

Mr. WELLER. Is it not a fact that for the year 1926 Doctor Harris, the general commissioner of New York City, reported that in New York City alone there were 755 deaths due to alcoholic poison?

Mr. SIROVICH. Yes; and I attended a few cases myself, and every newspaper in New York was opposed to the use of poison in denatured alcohol.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. SIROVICH. Yes; I will yield to my friend from Texas.

Mr. BLANTON. I want to ask the distinguished gentleman from New York if it is not a fact that whisky, absolutely without poison in it, has killed thousands of people?

Mr. SIROVICH. Yes; and it has saved thousands of people in cases of pneumonia and other diseases. It has perhaps saved more than it has killed. We do not object to the use of liquor, but to the abuse. [Applause.]

Mr. BLANTON. The leading physicians of the United States do not agree with the gentleman.

Mr. SIROVICH. I am in agreement with the leading physicians of the United States, and I beg the gentleman's pardon.

Mr. BLANTON. How about Doctor Mayo? He contends that it is not necessary at all.

Mr. SIROVICH. I can give you the names of equally eminent authorities. Prof Samuel Lambert, who was my dean at the College of Physicians and Surgeons at Columbia University, one of the most eminent authorities in the world, is one. He is as good a witness as Doctor Mayo as to the effects of alcohol. Doctor Mayo is a surgeon. Professor Lambert is a medical man. Alcohol is used more freely in medicine than in surgery.

Mr. LA GUARDIA. Mr. Chairman, will the gentleman yield?

Mr. SIROVICH. Yes.

Mr. LA GUARDIA. Is it not better to go to the foundation of this proposition and repeal the amendment so as to prevent the outrageous conditions that exist at the present time?

Mr. SIROVICH. It is best to go to the foundation. But that is not the subject before the House, however. The subject here is to amend the law in order to prevent the Government from engaging in partnership with the people who poison this liquor.

Mr. LA GUARDIA. I would put an end to the partnership of the Government with bootleggers.

Mr. SIROVICH. So would I, and hope all of the Members of this House would—

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. SIROVICH. Yes.

Mr. CRAMTON. As I understand the gentleman's position, he opposes putting anything into industrial alcohol that can not easily be taken out of it?

Mr. SIROVICH. No; I do not oppose that which can be easily taken out, but there are certain poisons by which the Government is denaturing alcohol that can not be taken out and which is the main cause of the death of so many thousands. That is why I am in favor of taking the Government out of the business of poisoning its citizens. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GREEN of Florida rose.

The CHAIRMAN. The gentleman from Florida is recognized for five minutes.

Mr. GREEN of Florida. Mr. Chairman, the gentleman from New York [Mr. LA GUARDIA] is mistaken when he states that Florida is a wetter State than New York. [Applause.] I would like to say to my friend from New York and to my colleagues that Florida is one of the old dry States. It is dry by State law. It is dry by national law. It has a citizenship which is for law and which is for order. I deny the statement that my State is a wet State in practice or a wet State in theory. It is a dry State under the prohibition law, as dry as the Sahara Desert. It is not a State that fosters lawlessness, but it is a State of law and a State of order, and a State where nullificationists do not exist; in Florida we believe in the majesty of the law and uphold the integrity of the Nation. [Applause.]

The CHAIRMAN. The gentleman from Florida yields back four minutes.

Mr. PALMISANO rose.

The CHAIRMAN. The gentleman from Maryland is recognized.

Mr. PALMISANO. Mr. Chairman and Members of the House, I understand that, under the rulings, in order to offer my amendment and say a few remarks I must do so at this time. I want to speak on the subject of the amendment that I am going to introduce after the action of the committee on the amendment now pending before it, and at the outset I want to say that I am sorry to hear the statement from the gentleman from Michigan [Mr. CRAMTON], who said he would resort to anything in order to enforce the law—that is, the Volstead Act. I have endeavored since I have been a Member of Congress—

Mr. CRAMTON. I made no such statement. The gentleman appears to refer to me, since he speaks of the gentleman from Michigan. I have said nothing that could be distorted into such a statement.

Mr. PALMISANO. If I am mistaken, I apologize to the gentleman.

But, anyhow, the dry element seems to take the view that a man who gets up here and says something about the wet clause is a nullifier and a criminal in himself. I want to appeal to the dry Members of this House. I have introduced a resolu-

tion here and correspondence which I have had with the Prohibition Commissioner as to an investigation of the prohibition administrator of Maryland and the District of Columbia, and I have shown in that resolution that the prohibition administrator has sanctioned the blackjacking of citizens, has put on as an undercover man a man who has been convicted of the crime of robbery and had been sentenced to six years in the Maryland penitentiary, and when that man was arrested for carrying concealed deadly weapons and for assault with intent to kill, that criminal is defended by the United States district attorney for the district of Maryland.

I say to you, my friends, that we are all trying to get this question settled right. I say, let us eliminate the criminals who are employed to enforce this Volstead Act. Let us prevent the administrators of this law from paying a cent to a man who has been convicted of a crime, to men who have been indicted by the various States for committing felonies, or to a man who has two indictments for misdemeanor pending in any of the courts of the country. I say, when you do that the gentlemen who are professing to be dry will prove that they are sincere by eliminating an element that the Prohibition Department is using in order to enforce the law. No longer than the other day our commissioner, Doctor Doran, when he found that the agents were unable to pass the examination—what did he say? This applies to you, gentlemen. When any of us here, at the next session, who are unable to be reelected next November—would you say to the man who came back here in November or in the following March "that because you had not been reelected you were going to sell out or be unfaithful to your trust or oath of office"?

Of course, you will not, because no man who is honest, in the first instance, would dare to do anything after his defeat. But, that is not true of the prohibition agents if we believe what Doctor Doran says:

You upset the whole force, that the men who had failed in the examination are selling out.

That they are a bunch of grafters, and I say if they are a bunch of grafters they had no right to be there and they have no right to be there now, whether they passed the examination or not.

So, my friends, I have been trying to be fair. I ask you to look at the resolution and correspondence which I introduced on January 17.

Mr. MADDEN. Mr. Chairman, as chairman of the Appropriations Committee it becomes my duty to recommend to this House from time to time the funds necessary to enforce the law. We are here to-day with a bill which carries funds in many places for law enforcement. The particular item pending before us, and which has excited the enmity of our friends from Maryland, is only one of the items in the bill for which money is expended to enforce the law.

The amendment offered by the gentleman from Maryland [Mr. LINTHICUM] is a subterfuge. Why does he not move to repeal the Volstead Act, if he is in earnest? He might get some others to vote with him on that. He knows very well that any attempt on his part to repeal the law will be useless, so he tries, through a side issue, to embarrass the situation.

He is trying to make it impossible to spend the money proposed to be appropriated for the enforcement of the act. He wants to say that industrial alcohol, denatured, shall not be permitted to leave the warehouse. He wants it to leave the warehouse in its pristine purity, if it leaves at all. [Laughter.] He wants by indirection to do what he knows he could not do by direction.

There is no sense, no justice, and no decency in the attempt now being made to embarrass the administration in the enforcement of the law. [Applause.] The law is here, and here it will remain. The law will be enforced, irrespective of what Maryland may think about it. [Applause.] If he will come in with an act to repeal the prohibition act—I am a wet—I would probably vote for a legitimate motion to repeal, but never under any circumstances would I vote for any such subterfuge as he now proposes.

Mr. CRAMTON. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. CRAMTON. The gentleman from Illinois may probably have noted—or, at least, he will on the standing vote to follow—that while the speeches come from Maryland the vote will largely come from Tammany Hall, and may exhibit what we might expect in the way of enforcement under Al Smith. [Applause.]

Mr. MADDEN. So, gentlemen of the committee and citizens of the country, we are obligated under our oaths to enforce the law, and while the law is on the statute books, if I have

anything to say anywhere, either as a public official or as a private citizen, it will be in favor of that law enforcement.

Mr. BLANTON. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BLANTON. Tammany Hall, I want to say to the gentleman from Michigan [Mr. CRAMTON], is a local organization in the city of New York. It has no application anywhere else in the United States. [Laughter.]

Mr. MADDEN. So, Mr. Chairman and gentlemen of the committee, as we come to you from day to day with recommendations for the funds with which to carry on the Government and ask your support for the appropriation of these funds, we come to-day with other recommendations for other funds to enforce our laws, and we ask you in the name of law and order to vote down the amendment offered by the gentleman from Maryland. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired. The question is on agreeing to the amendment offered by the gentleman from Maryland.

The question was taken; and on a division (demanded by Mr. CRAMTON and Mr. LINTHICUM) there were—ayes 39, noes 167.

So the amendment was rejected.

Mr. LAGUARDIA. Mr. Chairman, I offer an amendment. On page 21, line 10, strike out "\$12,729,140" and insert in lieu thereof "\$75,000,000."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: On page 21, line 10, strike out the figures "\$12,729,140" and insert in lieu thereof "\$75,000,000."

Mr. LAGUARDIA. Mr. Chairman, is all time exhausted on this paragraph and all amendments thereto?

The CHAIRMAN. Yes. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was rejected.

Mr. LAGUARDIA. Mr. Chairman, I offer another amendment. On page 21, line 10, strike out "\$12,729,140" and insert in lieu thereof "\$25,000,000."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: On page 21, line 10, strike out the figures "\$12,729,140" and insert in lieu thereof "\$25,000,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

Mr. BLANTON. Mr. Chairman, I ask for a division.

Mr. CAREW. Mr. Chairman, I demand a division.

The committee divided; and there were—ayes 11, noes 182.

So the amendment was rejected.

Mr. LINTHICUM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LINTHICUM: At the end of line 15, page 22, insert: "Provided further, That no money herein appropriated for the enforcement of the national prohibition act shall be used in the preparation or issue of any permit for the removal or use of any industrial alcohol known to be denatured by any poisonous drug."

Mr. MADDEN. Mr. Chairman, I make the point of order that that is the same amendment.

Mr. LINTHICUM. No; this is limited to any poisonous drug.

Mr. MADDEN. It is exactly the same thing.

Mr. LINTHICUM. No; the other amendment included any material injurious to the human system, whereas this amendment is limited to any poisonous drug.

The CHAIRMAN. There seems to be some difference in the amendment.

Mr. BLANTON. Mr. Chairman, I make the further point of order that the amendment is dilatory.

The CHAIRMAN. The point of order is overruled.

Mr. LINTHICUM. Mr. Chairman, I ask that the amendment be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

Mr. BLANTON. I object, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Maryland [Mr. LINTHICUM].

The question was taken; and on a division (demanded by Mr. BLANTON and Mr. CRAMTON) there were—ayes 35, noes 184.

So the amendment was rejected.

The CHAIRMAN. The gentleman from Maryland [Mr. PALMISANO] offers an amendment, which the Clerk will report.



The Clerk read as follows:

On page 22, line 6, after the word "thereby," insert the following: "Provided further, That no money herein appropriated for the enforcement of the national prohibition act shall be used to pay anyone who has been convicted of a crime prior to his appointment, nor one who has been indicted for committing a felony, nor anyone who has two indictments pending against him in any of the State or Federal courts within the United States."

The question was taken; and on a division (demanded by Mr. PALMISANO) there were—ayes 31, noes 168.

So the amendment was rejected.

The Clerk read down to and including line 2 on page 26.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word, and ask unanimous consent to proceed out of order for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LAGUARDIA. Mr. Chairman and gentlemen of the committee, while we are still on the subject of law enforcement I want to call the attention of the House to a news item which appeared to-day in the papers, reporting a protest which had been filed by the Rumanian minister against what he deemed a violation of his immunity.

My letter to the Secretary of State speaks for itself, and I will ask the Clerk to read it.

The Clerk read as follows:

FEBRUARY 14, 1928.

HON. FRANK B. KELLOGG,

Secretary of State, Washington, D. C.

MY DEAR MR. SECRETARY: Items appearing in the public press would indicate that a formal protest has been lodged by the royal Rumanian ambassador to the effect that his diplomatic immunity was invaded and disregarded by the activities of certain prohibition agents in New York City. While I have on many occasions protested against the activities of prohibition enforcement officials, I want to take this opportunity to state that I have obtained the details of the incident of which the Rumanian ambassador protests and unhesitatingly state that the agents in this instance not only acted within the proper limits of their official duties but that not even by an extreme stretch of the imagination was any diplomatic immunity disregarded.

It seems that the prohibition officials have had a system of express shipments of liquor under observation. A package shipped from a certain firm in Philadelphia addressed to Mr. A. E. Norris, of 55 East Seventy-second Street, happened to be one of the packages under observation and investigation. It contained bottles of liquor, and it was properly seized at the time of delivery.

I have searched the precedents in vain and fail to find where diplomatic immunity is conferred on the father-in-law of an employee of a diplomatic representative of a foreign country.

I take this opportunity, however, to point out that the representative of the Rumanian Government is the last person in the world to protest in a case of this kind. If he is now seeking to protect American citizens and to extend extraterritorial rights and diplomatic immunity to the father-in-law of an alleged employee of his office, he is seeking to establish a precedent heretofore unknown in international law. May I recall that only recently an American citizen residing in Rumania representing American business, living peacefully and entirely within his rights under the treaty between the United States and Rumania was brutally assaulted while the Rumanian police officers looked on, because it was suspected that the wife of this American citizen was of the Hebrew faith. A representative of a nation which has all through its history so disregarded the rights of others, the rights of its own citizens to worship in accordance with their belief, is the last person in the world to complain of liquor shipped in violation of law to the father-in-law of one of its nationals is seized by United States Government officials in the performance of their duties.

Before any formal reply is given to the protest filed, I respectfully urge a careful investigation in order to give the agents of the Government an opportunity to state their side of the case.

I am, sir, respectfully yours,

F. LAGUARDIA.

Mr. CRAMTON. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. CRAMTON. I made some investigation of the question of diplomatic immunity three or four years ago and I found that clearly, both under our law and under the international law, not only does the immunity not extend to employees and relatives of employees, as the gentleman has emphasized, but it also does not extend to every secretary and underling of the embassies and legations. It pertains to the representative quite strictly.

Mr. LAGUARDIA. In this case, as I state in my letter, the father-in-law is an American citizen and a resident of New York City. These shipments coming out from Philadelphia

were part of the liquor which I stated about a month ago was coming direct from the ships to the choice trade, and all these shipments were under observation. One happened to go into this man's home, and I fail to find where the nationality of an alleged employee extends any diplomatic rights or immunities to a citizen father-in-law.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to proceed for five minutes out of order in order to reply to the gentleman from New York [Mr. LAGUARDIA].

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BLANTON. Mr. Chairman, I think the gentleman from Michigan [Mr. CRAMTON] made his statement probably a little too broad. In looking up the precedents and the holdings under international law with respect to diplomatic immunity, I find the better authority is in favor of extending it to every member of the official household of a diplomat. But I want to say if you look up the precedents you will find in no case has it ever been held that diplomatic immunity permits any diplomat to disobey the laws of the country to which he is attached. He is expected to obey the law of the country to which he is sent, and if he disobeys it, it has been the universal custom and the universal practice to notify his country that he is persona non grata, that his passports have been handed to him, and that he should be called home. This has been the practice almost universally with all civilized countries.

I want to say with regard to the proposition here in Washington, it is not ordinarily the diplomats of the big countries who violate the law. Most of them are from the small countries, and the smaller the country and the rank of the diplomat the greater you will find his violations of law here in Washington. This is ordinarily the case here with respect to violators, although the representatives of most small countries obey our laws. I want to say that some of them, however, have absolutely disregarded the traffic laws of the District of Columbia. When they know it is against the law to run by street cars when they have stopped to discharge passengers, they deliberately run by them. When they know it is against the law to speed down some of our main streets like Sixteenth Street at 40 miles an hour, they have done this in disregard of the law and when stopped by officers they have cursed them and abused them. When they know it is against the law of the District of Columbia and of this Nation for anyone under 16 years of age to drive an automobile in the city of Washington, they have let young boys, even as young as 14 years of age, drive down the street and negligent homicide has resulted in at least one case recently.

I want to say they are persona non grata in the country to which they are attached when they disobey and disregard its laws, and they ought to have their passports handed to them, and I hope Mr. Secretary Kellogg in the future, when a complaint is made to him by the officials of the District of Columbia that diplomats stationed here in Washington and accredited to this country from foreign countries disobey and disregard our laws, will not call the officers who found them disobeying the law and admonish them or cause them to be admonished that they must not so interfere in the future, as has been done in some cases. I hope in each case he will let the country know that their passports have been handed to them and that he will ask to have them recalled.

Mr. SCHAFER. Will the gentleman yield?

Mr. BLANTON. I yield to the gentleman.

Mr. SCHAFER. How do these diplomats get these choice brandies and liquors into this country?

Mr. BLANTON. They ship them here. The gentleman knows how they get them here. They ship them here, and the gentleman knows when they dispense them here—and they have been dispensed by footmen and by butlers and by underlings—or when they are sold here in violation of the law in the Nation's Capital, they ought to be sent back home.

Mr. CRAMTON. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. CRAMTON. A diplomat can bring it in in his own baggage with him, but a diplomat has no more right to make a shipment of liquor into the United States than any citizen.

Mr. BLANTON. Certainly he has not, but he ships it in just the same. He has no right to dispense liquor here. We have nothing to do with what he puts on his own table; we have nothing to do with what he wears; we have nothing to do with what goes on lawfully in his embassy, but we do have something to do with what he does in such embassy in violation of our laws, and what he does on the streets of our Capital, and when an underling dispenses liquor in violation of law he ought to be called to account. Every country will uphold us in sending him back home.

Mr. SCHAFER. If we permit the diplomat to bring liquor in here in his baggage, why should we not permit the working-man to have 2½ per cent beer?

Mr. BLANTON. Oh, the gentleman is talking now for Wisconsin. [Laughter.] I was talking for our whole Nation.

Mr. SCHAFER. The man that wears a uniform on his back in a department is no better than the man who earns his bread by the sweat of his brow.

Mr. BLANTON. I quite agree with the gentleman from Wisconsin. But both ought to obey the law. I have a resolution now pending before Congress to require our State Department to hand passports to all diplomats accredited to this country who wilfully and deliberately disobey our laws.

Mr. CRAMTON. Mr. Chairman, in reference to the matter discussed by the gentleman from Texas, in order that I may refresh my recollection and consult my files, I ask unanimous consent that I may extend my remarks in the Record.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. CRAMTON. The privileges of diplomatic immunity are stretched to fantastic and unwarranted lengths in practice. In this country such immunity must rest upon its recognition in our statutes, sections 4062 to 4066, Revised Statutes of the United States. These are found in sections 251 to 255 of title 22, United States Code.

I made some study of this question five years ago in connection with the public display of liquors at that time by certain embassies and legations. Anyone interested in the subject will find in my discussion, on pages 3789 and following of the CONGRESSIONAL RECORD, volume 64, February 16, 1923, data from the Secretary of State, the Attorney General, and the Secretary of the Treasury.

The immunity only extends to "the person of any ambassador or public minister of any foreign prince or state, authorized and received as such by the President, or any domestic or domestic servant of any such minister." It protects such person from arrest or imprisonment, and his goods and chattels from distraint, seizure, or attachment—United States Code, page 252. But such domestic servant is not protected unless—

The name of the servant has, before the issuing thereof, been registered in the Department of State and transmitted by the Secretary of State to the marshal of the District of Columbia, who shall upon receipt thereof post the same in some public place in his office. (U. S. C. 254.)

There is nothing to cover the great number of secretaries, stenographers, and fathers in law. Only the minister or ambassador and such servants as are registered and posted are entitled to the immunity.

As to the use of liquor on the premises of legations and embassies we can not interfere, by reason of their extraterritoriality.

They have under the Constitution no right to import it into this country or transport it here. A common carrier or a private carrier transporting liquor for them is subject to the same penalties as for unlawful transportation for any other person. The Treasury regulations set forth in my remarks above referred to contemplate that shipments for the diplomats should not be received through the customs without examination, but that it should be sufficient, so far as examination is concerned, to accept a statement of the diplomat as to whether or not the shipment contained liquors.

In practice secretaries have been accorded the immunity, and the greater part of the trouble comes from them. The humor underlying the official disposal of such a case by Charles E. Hughes when Secretary of State is interesting. In the case of the secretary of the Polish Legation the Secretary of State wrote the following letter to Dr. Ladislas Wroblewski, then minister of Poland resident here, in which in one brief letter he expressed his regret for the invasion of the customary immunity in that case, and "improved this opportunity" to inform the minister that—

Mr. Sokolowski appears to have had in his possession a quantity of alcoholic beverages greatly in excess of that which the privileges and immunities which are enjoyed by diplomatic representatives resident in this country would justify—

And—

I understand . . . Mr. Sokolowski has been transferred to Warsaw.

The letter follows:

DEPARTMENT OF STATE,  
January 26, 1924.

The department has addressed the following communication to Dr. Ladislas Wroblewski, minister of Poland:

DEPARTMENT OF STATE,  
Washington, January 25, 1924.

SIR: With reference to your note of December 22, 1923, concerning the violation of the domicile of Mr. Venceslas Sokolowski, secretary of your legation, on December 20 last, and to subsequent conversations on this subject between you and an official of this department, I beg to transmit herewith a copy of a communication addressed to me from the Assistant Secretary of the Treasury, dated January 23, in relation thereto.

You will observe therefrom that the fact that the third floor of the premises was occupied or leased by Dr. Venceslas Sokolowski was unknown to the officers at the time the search was made; that if they had known of his status the apartment would not have been entered, and that it is regretted that such entry was made. I assure you that I share in the expression of regret that the immunity customarily enjoyed by all diplomatic officers should not have been observed in this instance.

I am constrained, however, to improve this opportunity to inform you that, according to the facts that have been developed in this connection, Mr. Sokolowski appears to have had in his possession a quantity of alcoholic beverages greatly in excess of that which the privileges and immunities in this regard, which are enjoyed by diplomatic representatives resident in this country, would justify. It has, therefore, been a matter of concern that this diplomatic immunity has been abused. I understand, from information with which you have been so good as to furnish the department, that Mr. Sokolowski has been transferred to Warsaw.

Accept, sir, the renewed assurances of my highest consideration.

CHARLES E. HUGHES.

The Clerk read as follows:

For completion of the survey of the salt-marsh areas of the South Atlantic and Gulf States, to determine the exact character of the breeding places of the salt-marsh mosquitoes, in order that a definite idea may be formed as to the best methods of controlling the breeding of such mosquitoes, \$10,000, to be expended by the Public Health Service in cooperation with the Bureau of Entomology of the Department of Agriculture.

Mr. BYRNS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 35, line 14, strike out the figures "\$10,000" and insert "\$15,000."

Mr. MADDEN. The committee accepts that amendment.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For incidental and contingent expenses, including new machinery and repairs, cases and enameling for medals manufactured, net wastage in melting and refining and in coining departments, loss on sale of sweeps arising from the treatment of bullion and the manufacture of coins, and not exceeding \$1,000 in value of specimen coins and ores for the cabinet of the mint at Philadelphia, \$273,000: *Provided*, That no part of this sum shall be expended for expenses of the annual assay commission.

Mr. MADDEN. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

On page 36, strike out the proviso in lines 21, 22, and 23, and in line 19, after the word "coins," insert the following: "not to exceed \$500 for expenses of the annual assay commission."

The amendment was agreed to.

The Clerk read as follows:

Any appropriation herein made toward the combined purpose of acquiring land and starting construction shall not be construed to prevent the Secretary of the Treasury from contracting for the necessary land in an amount in excess of such appropriation if, in his judgment, a balance will remain in the limit of cost sufficient to cover complete construction of the building.

COAST GUARD STATION, GRAND MARAIS, MINN.

Mr. CARSS. Mr. Chairman, I move to strike out the last word. I do this for the purpose of sincerely thanking the Committee on Appropriations and the membership of the House for their favorable consideration of an item in the Treasury and Post Office appropriation bill, which appears on page 26.

The item to which I refer provides for construction of a Coast Guard station at Grand Marais, Minn., on the north shore of Lake Superior, about halfway between Duluth, Minn., and the international border.

I introduced a bill in the Sixty-sixth Congress, which was enacted, authorizing the establishment of this station, and in the past three years have appeared before the Bureau of the Budget and the Appropriations Committee in an attempt to



secure the necessary funds for construction. While it has required some time to accomplish results, it has been well worth the effort to have finally succeeded in securing the approval of the committee and the House.

Admiral F. C. Billard, commandant of the United States Coast Guard, has rendered valuable assistance through his active and enthusiastic cooperation. He appeared before the Bureau of the Budget on different occasions, urged the establishment of this station, and requested that the unused balance to the credit of the United States Coast Guard be applied to this project. I want to pay my compliments to this capable and humane public official, and to the personnel of the United States Coast Guard in general for the very efficient manner in which they discharge the duties imposed upon them in the saving of human life in times of shipwreck and disaster.

The need for this station is very urgent. Grand Marais has a natural land-locked harbor, affording shelter for vessels that put in at that point to weather the storms. It is also a port from which considerable quantities of gravel, pulpwood, and other forest products are shipped. In addition to the traffic which originates at Grand Marais, many vessels pass this point during the season of navigation on the Great Lakes.

In the summer of 1926, 11,445 boats entered and cleared from the ports of Duluth, Minn., and Superior, Wis. Much of this traffic passes close to the dangerous, rocky coast and islands that lie near Grand Marais, and, Mr. Chairman, I shudder to think of the terrible fatalities which might occur should some of our large passenger boats go aground in a storm on the reefs or shoals. The life-saving station nearest to Grand Marais is 105 miles across Lake Superior, too great a distance to render effective assistance to boats stranded on the north shore.

The question of establishing a Coast Guard station at Grand Marais, Minn., was taken up with Hon. Herbert Hoover, Secretary of Commerce, who approved the project as a safeguard to navigation, but, Mr. Chairman, the most compelling reason which has prompted me to attempt to secure the construction of this station is the need of the sturdy, courageous fishermen, who go out upon Lake Superior to ply their trade in the winter season when the temperature frequently reaches 40 degrees below zero and sometimes lower. These men are engaged in herring fishing. The herring usually begin their run about September 15 and continue to frequent the shores until about February 15. During the winter season the ice field on the lake frequently extends from 90 to 100 miles out from the Bay of St. Louis into Lake Superior, but due to the prevalence of strong north winds the ice is driven away from the north shore, leaving a space of open water from one-half mile to 5 or 6 miles in width. It is in this strip of open water the fishermen set their nets and ply their trade.

These men are frequently caught, while out attending to their nets, by sudden off-shore storms, are blown to sea, and often perish from cold or exhaustion. Some have perished within sight of their loved ones, who were unable to render assistance because of the lack of proper equipment. These fishermen live with their families in the little hamlets sheltered under the majestic cliffs of the north shore. Oftentimes the wives of the fishermen accompany their husbands to assist them in earning a livelihood for their dependents. Some of these women have also perished.

It is on behalf of these men and their dependents—these honest toilers who brave the storms in order that others may be provided with luxuries—for the Lake Superior fish are a real luxury—these people, who lead such obscure lives that their welfare is often overlooked; it is on behalf of these people that I wish to thank the Members of the House and committee for this appropriation necessary to establish this station. In years to come, Mr. Speaker, who knows what a great work for humanity may have resulted through our action here to-day, and I am grateful it has been my privilege to have served with the membership of the House which has to-day approved this project. [Applause.]

Mr. MADDEN. Mr. Chairman, I wish to say that the committee made a very careful study of the problem mentioned by the gentleman from Minnesota. It has real merit for it affects the lives of numbers of people who are jeopardized on many occasions. This is the only life-saving station for many miles along that coast, and the north coast of Lake Superior is not a very smooth place in a storm. We were anxious to follow the advice of the gentleman from Minnesota and have recommended the appropriation for the station. We hope, now, with this money, they will proceed rapidly to construct the station, put in the equipment that is provided, and furnish the facilities to protect the lives of these people.

Mr. BLANTON. The gentleman from Minnesota [Mr. CARSS], who is one of our most valuable legislators here, needs special commendation, for I understand that this is the first money that

that part of Minnesota has been able to get out of the Committee on Appropriations for 30 years.

Mr. MADDEN. He has been very persuasive. We looked into the merits of the case and were convinced that he knew what he was talking about, and we are glad to cooperate with him. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. TILSON having resumed the chair as Speaker pro tempore, Mr. MICHENER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10635, the Treasury and Post Office Departments appropriation bill, and had come to no resolution thereon.

#### CALENDAR WEDNESDAY BUSINESS

Mr. O'CONNELL. Mr. Speaker, I ask the distinguished gentleman from Illinois [Mr. MADDEN] whether it is his purpose to continue with this bill to-morrow?

Mr. MADDEN. Yes; I hope so. Mr. Speaker, I ask unanimous consent that Calendar Wednesday business, in order to-morrow, be dispensed with and that we may proceed with this bill.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to dispense with Calendar Wednesday business to-morrow. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I have been informed, and, I am sure, authentically, that the committee which would have the call to-morrow, the Committee on Foreign Affairs, is agreed practically by its entire membership that they do not care to go forward with their business.

Mr. MADDEN. The gentleman from Pennsylvania [Mr. PORTER], chairman of that committee, told me that he is not ready and will be glad to have Calendar Wednesday business dispensed with to-morrow.

Mr. GARRETT of Tennessee. That has been my understanding. There is no committee demanding the time, and under the circumstances I see no reason to object.

Mr. LA GUARDIA. Mr. Speaker, reserving the right to object, it may be true that the committee which has the call to-morrow is not ready, and yet the custom is to call the roll of committees. Every session we are confronted with a situation where in the last day of the session or the day before the last day of the session there is presented the first opportunity that the Veterans' Committee has to come in with its bills. The Veterans' Committee has one or two important bills which it has reported and which the House is ready and anxious to consider. Besides, there is a constitutional amendment in respect to the lame-duck Congress that has been reported and that is on the calendar and ready.

Mr. GARRETT of Tennessee. In regard to the constitutional amendment, a special rule has been authorized from the Committee on Rules as far as the White amendment is concerned, and I think the gentleman from New York will agree that a constitutional amendment ought not to be called up on Calendar Wednesday, when the time for debate is entirely too restricted. There ought not to be cloture of debate on a constitutional amendment.

Mr. LA GUARDIA. I agree with the gentleman.

Mr. GARRETT of Tennessee. Let me say further in regard to the observation made by the gentleman from New York in respect to the other committees, of course I get my information touching these matters of proposed procedure primarily from the majority floor leader. I feel quite sure that there are no other committees that do want to go on to-morrow. I think it proper to say, however, that it will hardly lie within the mouths of the chairmen of these various committees along toward the end of the session to come in and complain that they did not have an opportunity to be heard if they do not come here now upon occasions of this kind and object. So far as I am concerned, I feel no responsibility in connection with it and do not feel that my side has any responsibility in connection with it. Therefore I interpose no objection.

Mr. LA GUARDIA. The mere fact that the chairmen of the committees do not object is not very comforting to some of us who are very anxious to get consideration of certain legislation.

Mr. GARRETT of Tennessee. I have always recognized the right of the majority party to fix the order of business, unless there is some extraordinary condition.

The SPEAKER pro tempore. Is there objection?

There was no objection.

#### DISPOSITION OF CERTAIN BRIDGE BILLS

Mr. DENISON. Mr. Speaker, there are upon the Speaker's table certain Senate bills which I wish to have taken from the Speaker's table and indefinitely postponed. They are—

S. 760. An act granting the consent of Congress to the Ashland Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River;

S. 2257. An act granting the consent of Congress to the State Highway Department of the State of Alabama to construct a bridge across the Coosa River near Wetumpka, Elmore County, Ala.; and

S. 2666. An act granting the consent of Congress to the Madison Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River.

The SPEAKER pro tempore. What is the request of the gentleman from Illinois?

Mr. DENISON. I ask unanimous consent to take these bills from the Speaker's table and indefinitely postpone their consideration, the reason being that similar bills have passed the House and have gone to the Senate and have been passed by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois [Mr. DENISON]?

There was no objection.

Mr. DENISON. Now, Mr. Speaker, I wish to call up the following Senate bills from the Speaker's table and take the same action.

The SPEAKER pro tempore. The Clerk will report the Senate bills referred to.

The Clerk read as follows:

S. 820. An act granting the consent of Congress to R. A. Breuer, H. L. Stolte, John M. Schermann, O. F. Nienhueser, Charles A. Egley, and George C. Eberlin, their successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Hermann, Gasconade County, Mo.;

S. 821. An act granting the consent of Congress to O. F. Schulte, E. H. Otto, O. W. Arcularius, J. L. Calvin, and J. H. Dickbrader, their successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Washington, Franklin County, Mo.;

S. 2188. An act granting the consent of Congress to Frank M. Burruss, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Miami, Saline County, Mo.;

S. 2189. An act granting the consent of Congress to F. C. Barnhill, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Arrow Rock, Saline County, Mo.;

S. 2476. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River on the Lafayette-Celina road in Clay County, Tenn.;

S. 2477. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Clinch River on the Sneedville-Rogersville road in Hancock County, Tenn.;

S. 2479. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Jasper-Chattanooga road in Marion County, Tenn.;

S. 2478. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Decatur-Kingston road in Roane County, Tenn.;

S. 2480. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Knoxville-Maryville road in Knox County, Tenn.;

S. 2730. An act authorizing the city of Louisville, Ky., to construct, maintain, and operate a toll bridge across the Ohio River at or near said city;

S. 1879. An act granting the consent of Congress to the Interstate Bridge Co., of Lansing, Iowa, to construct a bridge across the Missouri River at Lansing;

S. 2490. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Paris-Dover road in Henry and Stewart Counties, Tenn.; and

S. 1162. An act granting the consent of Congress to the Sistersville Ohio River Bridge Co., a corporation, its successors and assigns, for the construction, maintenance, and operation of a toll bridge across the Ohio River at Sistersville, Tyler County, W. Va.

Mr. DENISON. Mr. Speaker, in this connection I would like to say that bills similar to all these Senate bills have passed the House and are now pending in the Senate. The House bills were in proper form. The Senate bills are not in proper form, and it would be necessary to have them referred to our committee and be amended. The authors of these bills have told me that they would prefer the passage of the House bills, and, therefore, in view of that situation, I ask unanimous consent that these bills be taken from the Speaker's table and indefinitely postponed.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Reserving the right to object, Mr. Speaker—I shall not object—but there has been a habit growing up in another body where in a situation like this we send over House bills, and all after the enacting clause of the House bill is stricken out and the Senate bill is incorporated, and the bill is passed as a Senate bill. That custom has grown up. I understand that this request that the gentleman from Illinois is making will force another body, through courtesy, to pass House bills, if any are passed at all.

Mr. MADDEN. That would not be a bad idea.

Mr. BLANTON. It being a question of courtesy, I shall not object.

The SPEAKER pro tempore. The Chair hears no objection.

Mr. DENISON. Mr. Speaker, in this connection I would like to state that it is not the best practice for Members, who introduce bills of this kind in the House, to go over to the Senate and have similar bills introduced there. It does not expedite business. Very often the bills pass each other on their way across, and produce complications. I think it will expedite the consideration of business of this kind to just introduce the bill in the House and let it await its turn in the Senate, because we are expediting these bills as rapidly as possible here, and it will save time and work to allow the House bills to be considered by the Senate.

Mr. GARRETT of Tennessee. It duplicates the work. I think we passed 70 bills one day, and 34 of those bills passed the Senate on the same day, and of course one or other body has to do this work over again.

Mr. DENISON. Mr. Speaker, I want to propound a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DENISON. There is a Senate bill on the Speaker's table, S. 2348. A similar bill has passed the House and gone to the Senate. Of course, I am familiar with the rule that when a Senate bill is on the Speaker's table, and a similar bill has been reported here and is on the calendar, it is in order to consider the Senate bill. Does the same rule apply where the House bill has passed the House and been messaged over to the Senate?

The SPEAKER pro tempore. The Chair sees no reason why this should change the rule.

Mr. DENISON. It seems that the reason for the rule would apply.

Mr. GARRETT of Tennessee. May I suggest, Mr. Speaker, that my first reaction to the thought is that it would change the rule. The rule now is simply one of convenience and in order to expedite business. Now it does not necessarily expedite business for a gentleman to call this bill up in the absence of the House bill. Suppose the Senate would take the House bill and amend it and send it back to us. It seems to me the best course would be for the gentleman to make a motion requesting the return of the House bill.

Mr. DENISON. I thought of that, but I thought this would be the quickest way to dispose of it. The Senate bill is in reality in the form we desire to pass it. It was my intention to amend the House bill when it was before the House, but by an oversight I neglected to do so. Then I went over and suggested to the Senate committee that they amend the Senate bill in the manner desired, which they did. The Senate bill has been amended and is now on the Speaker's table in proper form, whereas the House bill will have to be amended by the Senate committee before it can be considered by the Senate.

Mr. GARRETT of Tennessee. Then we really have nothing on our calendar at all on the subject?

Mr. DENISON. No; the House has been passed.

Mr. BANKHEAD. Let me suggest that the House itself might disagree with the gentleman's personal views with reference to the amendment in question.

Mr. DENISON. They are not my personal views but the committee's views.

Mr. BANKHEAD. Then the House might disagree with the committee's views.

Mr. RAMSEYER. Complications might arise, as has been suggested by the gentleman from Tennessee. The gentleman has the Senate bill and is thinking of having it passed. The similar House bill is over in the Senate. Of course, if the House bill were on the Calendar, you could dispose of it, but the gentleman does not know but what some Senator has the floor over there right now seeking to pass the House bill, and if we should pass both of them unamended, they would both go to the President. I think there is quite a difference in the situation which the gentleman presents and that under which a Senate bill can be called up as a matter of right when a similar House bill is on the calendar.

Mr. MAPES. Mr. Speaker, regardless of the theory and purpose of the rule, is it not a pretty free interpretation of the rule to hold that a bill which has already passed the House



comes under the rule, because the rule provides that a bill must be reported by a House committee and be on the House Calendar? It is not on the House Calendar after it goes to the Senate.

Mr. DENISON. Of course, the bill was reported by the House committee and was on the House Calendar.

Mr. MAPES. It was, but it is not now.

Mr. DENISON. No; it is not now, and that is the reason I propounded the inquiry. I was not sure about the application of the rule.

Mr. GARRETT of Tennessee. We have not the House bill here at all. Of course, the gentleman from Illinois will understand that I am discussing the parliamentary question, and there is no reflection intended. We have not any way officially to know that the House bill and the Senate bill are the same. I repeat to the gentleman that I am discussing the parliamentary situation, and casting no reflection upon the statement made by the gentleman that they are the same, or substantially the same; but the more I think of it the more I am impressed with the idea that we could not afford to set the precedent of holding that a bill which has in fact passed the House and is physically away from the House occupies precisely the same parliamentary status as one that is reported from a committee and is on the calendar under the terms of that rule.

The SPEAKER pro tempore. The Chair would like to read the paragraph of the rule which seems to apply, and beyond this he can find nothing that does apply.

House bills with Senate amendments which do not require consideration in a Committee of the Whole may be at once disposed of as the House may determine, as may also Senate bills substantially the same as House bills already favorably reported by a committee of the House.

This is all the Chair can find in the rules that directly applies to this situation.

Mr. CHINDBLOM. Let me add:

And not required to be considered in Committee of the Whole.

It refers only to House bills and not bills on the Union Calendar.

The SPEAKER pro tempore. Yes; it applies to House Calendar bills only.

Mr. GARRETT of Tennessee. Will the Chair kindly give the rule from which he has just read?

The SPEAKER pro tempore. It is Rule XXIV, paragraph 2.

Mr. CHINDBLOM. May I suggest, Mr. Speaker, that while I may be wrong I seem to recall that this matter has been decided within the last year or two, when it was held that when a bill had left the House and gone to the Senate it did not come within this rule.

The SPEAKER pro tempore. The precedent to which the gentleman refers has not been called to the attention of the Chair.

Mr. DENISON. Nor to mine; and I do not remember such a question having arisen.

The SPEAKER pro tempore. The Chair is not aware of the existence of such a precedent and would like to have the gentleman cite it.

Mr. CHINDBLOM. I do not like to rely altogether on my recollection, of course, but I do seem to recall some such ruling.

The SPEAKER pro tempore. In order that no new precedent may be established here unnecessarily, let the Chair suggest that in the absence of necessity for haste it would be well for the gentleman from Illinois [Mr. DENISON] to withhold his request until to-morrow.

Mr. DENISON. I will say to the Chair that there is no haste in connection with this matter.

The SPEAKER pro tempore. Then the Chair will suggest that the gentleman withhold his request until to-morrow in order to give time to look up the decisions interpreting the rule.

Mr. DENISON. I will be glad to let the matter go over until to-morrow. But in that connection let me suggest to the Chair that the rule does not say that this rule applies where a bill substantially similar has been reported by a House committee and is on the House Calendar; it says simply when a bill substantially similar has been reported by a committee of the House. That is the case here, although, as a matter of fact, it has been passed by the House. I have raised the question, Mr. Speaker, because I can see that this question is likely to arise often, and I am anxious to learn the best way to expedite the business in accordance with the Rules of the House.

Mr. GARRETT of Tennessee. Yes. My own thought about it is that clearly it must mean that the House bill is yet within the control of the House. In this instance we are not in

physical possession of the bill. It has already passed the House and gone away from us.

Mr. CHINDBLOM. Let me suggest also that the term "bill" refers generally to matters actually pending in the House. Is the bill in the House after it has been sent to the Senate, or is it a "House bill" after it has been passed by the House and sent to the Senate?

Mr. DENISON. I do not know what else it would be.

Mr. CHINDBLOM. It is an "act" so far as the House is concerned. The Senate gives the bill the title of an "act" when it comes there after passage in the House.

The SPEAKER pro tempore. The further discussion of the matter inclines the Chair even more to the belief that this is a matter that should go over.

#### CALENDAR WEDNESDAY BUSINESS

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask recognition for the purpose of asking the gentleman from New York [Mr. LAGUARDIA] a question.

The SPEAKER pro tempore. Without objection, the gentleman may propound his question.

There was no objection.

Mr. O'CONNOR of Louisiana. Do I understand that the gentleman from New York was seeking to convey the thought that the chairman of the Committee on Veterans' Legislation will not take advantage of Calendar Wednesday and—

Mr. MADDEN. I do not think the gentleman ought to get that information second hand.

Mr. O'CONNOR of Louisiana (continuing). And call up legislation that is within the control of that committee.

Mr. MADDEN. The gentleman's committee has not the call.

Mr. LAGUARDIA. The gentleman was simply seeking to anticipate the time when the Committee on World War Veterans' Legislation would be called.

Mr. O'CONNOR of Louisiana. I understand the gentleman intimated there were a number of the members of that committee who desired to have legislation considered, and I was under the impression that the gentleman conveyed the thought that there were members of the committee who were willing and anxious to have bills considered but that the chairman of that committee, apparently, was indisposed to take advantage of the call.

Mr. LAGUARDIA. The gentleman knows that the committees are called in their order of standing and that the more Calendar Wednesdays we dispense with the less opportunity there is that a committee at the end of the list will be called.

Mr. MAPES and Mr. BLANTON rose.

Mr. O'CONNOR of Louisiana. I yield to the gentleman from Michigan.

Mr. MAPES. Mr. Speaker, it seems to me far-fetched to try to bring the chairman of the Committee on World War Veterans' Legislation into this Calendar Wednesday proposition at this time.

Mr. MADDEN. Regular order, Mr. Speaker.

Mr. MAPES. Mr. Speaker, the gentleman from Louisiana has two minutes.

Mr. McSWAIN. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from South Carolina rise?

Mr. McSWAIN. For permission to extend my remarks in the RECORD.

Mr. MAPES. Point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MAPES. Did not the gentleman from Louisiana have some time?

The SPEAKER pro tempore. The gentleman did not. It was all by unanimous consent and the regular order has been demanded.

Mr. MAPES. I understood the gentleman to ask for two minutes.

Mr. O'CONNOR of Louisiana. I asked the question in an effort to honestly and sincerely get the information.

Mr. MAPES. Mr. Speaker, in fairness to the chairman of the Committee on World War Veterans' Legislation I ask unanimous consent to proceed for one minute.

Mr. O'CONNOR of Louisiana. It was not my desire, Mr. Speaker, to reflect upon the chairman of the World War Veterans' Legislation Committee.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Speaker, I shall ask unanimous consent to proceed for two minutes in view of the situation that has developed.

Mr. MAPES. Mr. Speaker, it seems to me rather far-fetched to try to bring the chairman of the Committee on World War

Veterans' Legislation into this discussion with respect to dispensing with Calendar Wednesday. His is one of the very last committees to be authorized by the rules and we are only starting the call of the calendar of committees now. The Banking and Currency Committee is the committee actually having the call. The next committee is the Committee on Coinage, Weights, and Measures and the next committee is the Committee on Interstate and Foreign Commerce. The Committee on Interstate and Foreign Commerce is anxious not to lose its day, and to jump way down to the end of the list of committees and try to charge the chairman of a committee near the end of the call with responsibility of dispensing with Calendar Wednesday it seems to me is rather far-fetched.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. BANKHEAD. Regular order, Mr. Speaker.

The SPEAKER pro tempore. Regular order is demanded. The Chair recognizes the gentleman from South Carolina. For what purpose does the gentleman rise?

Mr. McSWAIN. For the purpose of presenting a unanimous-consent request that I be permitted to extend my remarks in order to explain a bill which I have introduced to-day doing tardy justice to the original and pioneer aviators of the United States Army.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

#### JUSTICE TO PIONEER AVIATORS—RELATING TO NATIONAL DEFENSE

Mr. McSWAIN. Mr. Speaker, with reference to the bill introduced by me "to provide proper recognition for the early pioneers in Army aviation," it is proposed in the first section that those officers of the Army who qualified on or before December 31, 1913, as military aviators, shall receive 75 per cent additional pay for flying as has heretofore been twice provided in bills passed by Congress, and that, of course, this extra pay shall accrue only for periods during which they participate regularly and frequently in aerial flights.

There were 24 of these officers who qualified as military aviators during this early period; that is, prior to December, 1913. Eleven other officers detailed to flying activities during this same period were killed. Of this total of 35, 2 have transferred to other branches, 5 are retired, only 7 remain active in the Air Corps, and 21 are dead. It is thus seen that but seven officers remain in the Air Corps to participate in the benefits of this section. One of these officers now receives 75 per cent additional pay—under the provisions of section 127a, national defense act—because the rating of military aviator was conferred upon him for having specially distinguished himself in time of war in active operations against the enemy. Another of these seven officers has been found physically disqualified and is not on flying duty. Thus this provision would to-day affect but five officers and entail an additional cost to the Government of only \$517.70 monthly.

These men were the early pioneers in Army aviation and were responsible for developments which made flying in subsequent years from ten to forty times safer. They have all qualified a second time as military aviators under the laws of Congress passed June 3, 1916, and July 24, 1917.

By section 2 it is proposed to permit these early pioneers in Army aviation to retire at any time subsequent to the passage of the act. This is not without precedent, for in an act of the Sixty-third Congress, approved March 4, 1915, copy attached, certain officers of the Army and Navy who had been engaged in work on the construction of the Panama Canal were permitted to retire at any time after the passage of that act.

This is a very just provision, for these officers who have survived have lived their lives many times over in the hazardous early days of flying when a fatality occurred for approximately every hundred flying hours. Subsequent to that period all of these officers have held positions of great trust and responsibility and contributed much to the development and organization of the present air forces of the country.

This section will apply to a maximum of 9 officers, 7 who are now active in the Air Corps and 2 who were transferred to other branches of the service. All of these officers have had over 20 years' service and there is no doubt that the services they gave during the early days of flying should count many times over and make them eligible for retirement.

Section 3 of the bill proposes that the retired pay of these officers shall be 75 per cent of all pay and allowances, including flying pay, of the grade in which retired. There are five of this group of officers now on the retired list and possibly nine others will become eligible to participate in the benefits of this provision if they live to retire. This makes an absolute maximum of 14 officers, or but 40 per cent of the total number of 35 who

started the early air activities in the Army and were responsible for its early development. The casualty rate was high. The strain, mental and physical, was great; but these officers persisted in spite of the chances against them because they realized that here was a new weapon for national defense which required development. Some of those who are now retired suffered accidents which contributed to their physical unfitness. One officer was picked up for dead and was being taken to the undertaker's when somebody discovered a sign of life. He was completely broken up, but managed to survive and was placed on the retired list.

Medical officers familiar with the hazards of flying believe the subconscious strain on the physical system due to the ever-present risk in military flying causes officers to use up their physical resistance very much faster than in other walks of life. How much more so was this the case when flying was only one-thirtieth to one-fortieth as safe as it is to-day! Therefore, it would appear that this is but a just recognition of the services that these early pioneers rendered.

It is impracticable to compute the cost of this provision because it varies with the grade and length of service of the officer affected. It is obvious, however, that the cost will be trifling compared with the services rendered. Applied to the officers on the retired list to-day, it will amount to but \$717.19 per month.

The last section of the bill is designed to prevent any retroactive effect as such an action is believed contrary to the policy of Congress.

The justice of this proposed legislation is fully appreciated when the early history of Army flying is known. With little more than box kites to fly in, with casualties occurring on every hand, with appropriations so meager that often the officers themselves supplied the funds to maintain the equipment, with equipment so frail as to be a constant menace to the safety of the flyer and with little known of aerodynamics, these early pioneers had almost insurmountable obstacles with which to contend. One purchase of six "military" planes took six lives. A death occurred for approximately every hundred flying hours. Those who survived and passed the tests not only were announced in War Department orders as having qualified as military aviators, but they again qualified under subsequent laws of Congress and received the pay which it is now designed by the provisions of this bill to restore to them. They not only flew under extremely hazardous conditions but were responsible for the development of many characteristics considered highly desirable in military airplanes. So far as known, no material recognition has ever been given them.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. LEAVITT, for two days, on account of important business.

#### ADJOURNMENT

Mr. MADDEN. Mr. Speaker, I move that the House do now adjourn.

Mr. LaGUARDIA. Mr. Speaker—

The SPEAKER pro tempore. Does the gentleman from Illinois withhold his motion to adjourn?

Mr. MADDEN. I withhold it.

#### PROHIBITION AGENTS, ADMINISTRATORS, ETC.

Mr. LaGUARDIA. Mr. Speaker, I ask unanimous consent that I may have until midnight to-morrow to file minority views on the resolution H. Res. 108.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

#### CALENDAR WEDNESDAY BUSINESS

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

Mr. MADDEN. Mr. Speaker, I withhold the motion for that purpose.

Mr. O'CONNOR of Louisiana. Mr. Speaker, I want to say to the Members of the House that I have not the slightest or remotest desire to reflect on the alertness or vigilance of the chairman of the Committee on World War Veterans' Legislation, for whom I entertain the warmest sort of friendship; and it is not entirely, in my judgment, in keeping with the situation that prompts one of the Members here to rise for the purpose of honestly securing information, to be distorted by another Member and made to appear as if his attitude were unfriendly and hostile to a man for whom he has the warmest friendship. I think the gentleman from Michigan [Mr. MAPES] and I have the same thought, and that is to refute any inference that might be made that the chairman of the World War Veterans' Legislation Committee has been derelict in any way. I



did not ask my question with any idea of reflecting upon the vigilance of the chairman of that committee.

Mr. MAPES rose.

Mr. O'CONNOR of Louisiana. I yield to the gentleman from Michigan.

Mr. MAPES. So far as I am concerned, I had no intention of misinterpreting the gentleman's inquiry, and I accept what he says in perfect good faith.

Mr. GARRETT of Tennessee. May I ask one of the gentlemen a question? In view of the experience which we have had in regard to veterans' legislation covering the last six years at least, does not the gentleman think we are wasting a good deal of time in even discussing Calendar Wednesday for the legislation of the Committee on World War Veterans' Legislation, because they have never functioned except under suspension of the rules?

Mr. BLANTON. That is exactly what I wanted to bring out. Since the committee was organized four years ago, they have never brought in a bill except under a suspension of the rules, where you could not amend it in any particular, and the rules allowed only 20 minutes to the side for debate.

#### SENATE BILLS REFERRED

Senate bills of the following titles were taken from the Speaker's table, and, under the rule, referred to the appropriate committee, as follows:

S. 797. An act granting the consent of Congress to the J. K. Mahone Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River, at or near Wellsburg, W. Va.;

S. 798. An act granting the consent of Congress to the R. V. Reger Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near New Cumberland, Hancock County, W. Va.;

S. 1498. An act to extend the time for the construction of a bridge across the Chesapeake Bay and to fix the location of said bridge;

S. 2554. An act granting the consent of Congress to the cities of Atchison and Leavenworth, Kans., the city of St. Joseph, Mo., and the counties of Buchanan and Platte, Mo., their successors or assigns, to construct a bridge across the Missouri River or to acquire existing bridges; and

S. 2698. An act granting the consent of Congress to the State of Vermont to construct, maintain, and operate a free highway bridge across the Clyde River at or near Newport, Vt.; to the Committee on Interstate and Foreign Commerce.

#### ADJOURNMENT

The SPEAKER pro tempore. The gentleman from Illinois moves that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned until to-morrow, Wednesday, February 15, 1928, at 12 o'clock noon.

#### COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, February 15, 1928, as reported to the floor leader by clerks of the several committees:

##### COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

##### COMMITTEE ON AGRICULTURE

(10 a. m.)

To place agricultural products upon a price equality with other commodities (H. R. 10656).

To foster agriculture and to stabilize the prices obtained for agricultural commodities by providing for the issuance of export debentures upon the exportation of such commodities (H. R. 10568).

##### COMMITTEE ON THE CENSUS

(10.30 a. m.)

For the apportionment of Representatives in Congress among the several States under the Fourteenth Census (H. R. 27).

For the apportionment of Representatives in Congress (H. R. 130).

##### COMMITTEE ON THE POST OFFICE AND POST ROADS

(10 a. m.)

To amend Title II of an act approved February 28, 1925, regulating postal rates (H. R. 9296).

##### COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To provide for the increase of the Naval Establishment (H. R. 7359).

##### COMMITTEE ON THE JUDICIARY

(10 a. m.)

To amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity (H. R. 7759, 8237).

Defining combinations and conspiracies in trade and labor disputes and prohibiting the issuance of injunctions therein (H. R. 10082).

##### COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10.30 a. m.)

To amend the immigration act of 1924 by making the quota provisions thereof applicable to Mexico, Cuba, Canada, and the countries of continental America and adjacent islands (H. R. 6465).

##### COMMITTEE ON ROADS

(10 a. m.)

To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads," approved July 11, 1916, as amended and supplemented (H. R. 353, 383, 5518, 7343, and 8832).

To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads," approved July 11, 1916, as amended and supplemented, and authorizing appropriation of \$150,000,000 per annum for two years (H. R. 7019).

##### COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(10.30 a. m.)

Authorizing the erection of a public warehouse for storage of Government supplies and purchase and condemnation of real estate in the District of Columbia (H. R. 8919).

To create a commission to be known as the commission for the enlarging of the Capitol Grounds (S. 2301).

##### COMMITTEE ON WAYS AND MEANS

(10 a. m.)

To authorize the settlement of the indebtedness of the Hellenic Republic to the United States and of the differences arising out of the tripartite loan agreement of February 10, 1918 (H. R. 10760).

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. DENISON: Committee on Interstate and Foreign Commerce. S. 1946. An act relative to the pay of certain retired warrant officers and enlisted men and warrant officers and enlisted men of the reserve forces of the Army, Navy, Marine Corps, and the Coast Guard, fixed under the terms of the Panama Canal act, as amended; with amendment (Rept. No. 640). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. H. R. 6480. A bill to authorize appropriations for construction at military posts, and for other purposes; with amendment (Rept. No. 646). Referred to the Committee of the Whole House on the state of the Union.

Mr. GARRETT of Texas: Committee on Military Affairs. H. R. 7932. A bill to authorize appropriations for construction at military posts, and for other purposes; with amendment (Rept. No. 647). Referred to the Committee of the Whole House on the state of the Union.

Mr. JAMES: Committee on Military Affairs. H. R. 5806. A bill to authorize the purchase of real estate by the War Department; with amendment (Rept. No. 648). Referred to the Committee of the Whole House on the state of the Union.

Mr. FISHER: Committee on Military Affairs. H. R. 5817. A bill to provide for the paving of the Government road extending from St. Elmo, Tenn., to Rossville, Ga.; with amendment (Rept. No. 649). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORROW: Committee on the Public Lands. S. 1455. An act to grant extensions of time under coal permits; without amendment (Rept. No. 651). Referred to the Committee of the Whole House on the state of the Union.

Mr. KIESS: Committee on Insular Affairs. S. 754. An act for the relief of certain Porto Rican taxpayers; with amendment (Rept. No. 652). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. J. Res. 175. A resolution to change the name of the

Ancon Hospital in the Panama Canal Zone to the General Gorgas Hospital; with amendment (Rept. No. 653). Referred to the House Calendar.

Mr. MORROW: Committee on the Public Lands. H. R. 9829. A bill to extend the provisions of the act of Congress approved March 20, 1922, entitled "An act to consolidate national forest lands"; with amendment (Rept. No. 654). Referred to the House Calendar.

Mr. JOHNSON of Oklahoma: Committee on the Public Lands. H. R. 465. A bill to authorize the city of Oklahoma City, Okla., to sell certain public squares situated therein; with amendment (Rept. No. 660). Referred to the Committee of the Whole House on the state of the Union.

Mr. WASON: Committee on Disposition of Useless Executive Papers. A report on disposition of useless papers in Government Printing Office (Rept. No. 661). Ordered printed.

Mr. PARKS: Committee on Interstate and Foreign Commerce. H. R. 7198. A bill granting the consent of Congress to Henry Thane, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River; with amendment (Rept. No. 662). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 9831. A bill authorizing J. E. Turner, his heirs, legal representatives, or assigns, to construct, maintain, and operate a bridge across the Ocmulgee River at or near Fitzgerald, Ga.; with amendment (Rept. No. 663). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 9964. A bill authorizing E. L. Higdon, of Baldwin County, Ala., his heirs, legal representatives, and assigns to construct, maintain, and operate a bridge across Perdido Bay at or near Bear Point, Baldwin County, Ala.; with amendment (Rept. No. 664). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 10070. A bill authorizing the New Martinsville & Ohio River Bridge Co. (Inc.) to construct, maintain, and operate a bridge across the Ohio River at or near New Martinsville, W. Va.; with amendment (Rept. No. 665). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 10144. A bill authorizing the B & P Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande River at or near Zapata, Tex.; with amendment (Rept. No. 666). Referred to the House Calendar.

Mr. BURTNESS: Committee on Interstate and Foreign Commerce. H. R. 10373. A bill authorizing the Plattsmouth Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Plattsmouth, Nebr.; with amendment (Rept. No. 667). Referred to the House Calendar.

Mr. BURTNESS: Committee on Interstate and Foreign Commerce. H. R. 10424. A bill authorizing John C. Mullen, T. L. Davies, John H. Hutchings, and Virgil Fallon, all of Falls City, Nebr., his or their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Rulo, Nebr.; with amendment (Rept. No. 668). Referred to the House Calendar.

Mr. NEWTON: Committee on Interstate and Foreign Commerce. S. 2902. An act granting the consent of Congress to the States of Wisconsin and Michigan to construct, maintain, and operate a free highway bridge across the Menominee River at or near Marinette, Wis.; with amendment (Rept. No. 669). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 7927. A bill granting the consent of Congress to the Louisiana Highway Commission of the State of Louisiana to construct, maintain, and operate a bridge across the Atchafalaya River at Melville, La.; with amendment (Rept. No. 670). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 8897. A bill granting the consent of Congress to the city of Chicago to construct a bridge across the Calumet River at or near One hundred and thirtieth Street in the city of Chicago, county of Cook, State of Illinois; with amendment (Rept. No. 671). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 9350. A bill granting the consent of Congress to Frank E. Merrill, carrying on business under the name and style of Frank E. Merrill & Co.'s Algonquin Shores Realty Trust, to construct, maintain, and operate a footbridge across the Fox River; with amendment (Rept. No. 672). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 9361. A bill granting the consent of Congress to

the city of St. Charles, State of Illinois, to widen a bridge across the Fox River within the city of St. Charles, State of Illinois; with amendment (Rept. No. 673). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Commerce. H. R. 9365. A bill granting the consent of Congress to the Arkansas Highway Commission to construct, maintain, and operate a free highway bridge across the St. Francis River; with amendment (Rept. No. 674). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 9761. A bill to extend the time for completing the construction of a bridge across the Monongahela River at or near Pittsburgh; with amendment (Rept. No. 675). Referred to the House Calendar.

Mr. MILLIGAN: Committee on Interstate and Foreign Commerce. H. R. 9773. A bill authorizing the Manufacturers' Electric Terminal Railway, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near the mouth of the Big Blue River, in Jackson County, Mo., where the same empties into the Missouri River; with amendment (Rept. No. 676). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 9843. A bill to extend the times for commencing and completing the construction of a bridge across the Kanawha River at or near the town of Henderson, W. Va., to a point opposite thereto in or near the city of Point Pleasant, W. Va.; with amendment (Rept. No. 677). Referred to the House Calendar.

Mr. JOHNSON of Indiana: Committee on Interstate and Foreign Commerce. H. R. 9946. A bill to extend the times for commencing and completing the construction of a bridge across the Wabash River at Mount Carmel, Ill.; with amendment (Rept. No. 678). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 10025. A bill to extend the time for completing the construction of a bridge across the Monongahela River at or near McKeesport, Pa.; with amendment (Rept. No. 679). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 10026. A bill to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Savanna, Ill.; with amendment (Rept. No. 680). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 10143. A bill authorizing the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Sabine River at or near Merryville, La., on the Merryville-Newton highway; with amendment (Rept. No. 681). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 10298. A bill to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near New Orleans; with amendment (Rept. No. 682). Referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WRIGHT: Committee on Military Affairs. H. R. 2527. A bill for the relief of William Porter; without amendment (Rept. No. 641). Referred to the Committee of the Whole House.

Mr. WRIGHT: Committee on Military Affairs. H. R. 2529. A bill for the relief of Rezin Franklin Neves; without amendment (Rept. No. 642). Referred to the Committee of the Whole House.

Mr. WRIGHT: Committee on Military Affairs. H. R. 2531. A bill for the relief of Marion Francis Wade; with amendment (Rept. No. 643). Referred to the Committee of the Whole House.

Mr. JOHNSON of Illinois: Committee on Military Affairs. H. R. 4864. A bill for the relief of William Martin; with amendment (Rept. No. 644). Referred to the Committee of the Whole House.

Mr. JOHNSON of Illinois: Committee on Military Affairs. H. R. 4954. A bill for the relief of Thomas Purdell; without amendment (Rept. No. 645). Referred to the Committee of the Whole House.

Mr. PEAVEY: Committee on War Claims. S. 496. An act for the relief of M. Zingarell and wife, Mary Alice Zingarell; without amendment (Rept. No. 655). Referred to the Committee of the Whole House.

Mr. ESlick: Committee on War Claims. H. R. 4265. A bill for the relief of certain officers and former officers of the



Army of the United States, and for other purposes; with amendment (Rept. No. 656). Referred to the Committee of the Whole House.

Mr. HOOPER: Committee on War Claims: H. R. 4266. A bill for the relief of certain officers and former officers of the Army of the United States, and for other purposes; with amendment (Rept. No. 657). Referred to the Committee of the Whole House.

Mr. ESLICK: Committee on War Claims. H. R. 7166. A bill to allow credit in the accounts of disbursing officers of the Army of the United States on account of refunds made to purchasers of surplus war supplies; with amendment (Rept. No. 658). Referred to the Committee of the Whole House.

Mr. BOYLAN: Committee on Military Affairs. H. R. 9334. A bill for the relief of Morris J. Lang; with amendment (Rept. No. 659). Referred to the Committee of the Whole House.

#### ADVERSE REPORT

Under clause 2 of Rule XIII,

Mr. DYER: Committee on the Judiciary. H. Res. 108. A resolution relative to the number of prohibition agents, administrators, supervisors, investigators, and employees in the employ of the United States Government (Rept. No. 650). Laid on the table.

#### CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pension was discharged from the consideration of the bill (H. R. 10841) granting an increase of pension to Catharine A. Curran, and the same was referred to the Committee on Invalid Pensions.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOX: A bill (H. R. 10951) authorizing the construction of a toll road or causeway across Lake Sabine at or near Port Arthur, Tex.; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Washington: A bill (H. R. 10952) to fix the salaries of certain judges of Porto Rico; to the Committee on Insular Affairs.

By Mr. LEAVITT: A bill (H. R. 10953) to authorize the Secretary of the Interior to adjust reimbursable debts of Indian tribes; to the Committee on Indian Affairs.

By Mr. GREEN of Iowa: A bill (H. R. 10954) to authorize the Secretary of the Treasury to execute agreements of indemnity to the Union Trust Co., Providence, R. I., and the National Bank of Commerce, Philadelphia, Pa.; to the Committee on Ways and Means.

By Mr. ALLGOOD: A bill (H. R. 10955) to amend the immigration act of 1924 by making the quota provisions thereof apply to all nations except those that are barred by the immigration act of 1924; to the Committee on Immigration and Naturalization.

By Mr. DAVILA: A bill (H. R. 10956) amending the immigration laws as applied to Porto Rico; to the Committee on Immigration and Naturalization.

By Mr. EDWARDS: A bill (H. R. 10957) to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920; to the Committee on Public Buildings and Grounds.

By Mr. HAUGEN: A bill (H. R. 10958) to amend the definition of oleomargarine contained in the act entitled "An act defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended; to the Committee on Agriculture.

By Mr. HOUSTON of Hawaii: A bill (H. R. 10959) to extend the benefits of certain acts of Congress to the Territory of Hawaii; to the Committee on Agriculture.

By Mr. GOLDSBOROUGH: A bill (H. R. 10960) to adjust the salaries of criers and bailiffs of the United States district courts; to the Committee on the Judiciary.

Also, a bill (H. R. 10961) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920; to the Committee on the Civil Service.

By Mr. ALLGOOD: A bill (H. R. 10962) to authorize the stamping into the coinage of the United States of America from silver bullion \$20,000,000 in denominations of 50 cents each commemorating the outstanding achievements of Col. Charles

A. Lindbergh; to the Committee on Coinage, Weights, and Measures.

By Mr. JACOBSTEIN: A bill (H. R. 10963) for the apportionment of Representatives in Congress; to the Committee on the Census.

By Mr. McSWAIN: A bill (H. R. 10964) to amend the national defense act; to the Committee on Military Affairs.

By Mr. REECE: A bill (H. R. 10965) to increase the efficiency of the Military Establishment, and for other purposes; to the Committee on Military Affairs.

By Mr. PARKER: A bill (H. R. 10966) to authorize the sale of Battery Island Fisheries Station; to the Committee on Interstate and Foreign Commerce.

By Mr. ELLIOTT: Joint resolution (H. J. Res. 204) providing that the Secretary of Agriculture be directed to give notice that on and after January 1, 1929, the Government will cease to maintain a public market on Pennsylvania Avenue between Seventh and Ninth Streets NW.; to the Committee on Public Buildings and Grounds.

By Mr. HULL of Tennessee: Resolution (H. Res. 114) to secure justice to agriculture; to the Committee on Ways and Means.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ACKERMAN: A bill (H. R. 10967) to provide for a survey of Rahway River, N. J., with a view to maintaining an adequate channel of suitable width; to the Committee on Rivers and Harbors.

By Mr. ALLGOOD: A bill (H. R. 10968) for the relief of Claudie Savage; to the Committee on Military Affairs.

By Mr. BACHMANN: A bill (H. R. 10969) granting an increase of pension to Virginia Powell; to the Committee on Invalid Pensions.

By Mr. BEGG: A bill (H. R. 10970) granting a pension to Jennie Boulden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10971) granting an increase of pension to Caroline Stahl; to the Committee on Invalid Pensions.

By Mr. BROWNING: A bill (H. R. 10972) granting a pension to George Y. Dudley; to the Committee on Pensions.

By Mr. CANFIELD: A bill (H. R. 10973) granting an increase of pension to Roscoe W. Barker; to the Committee on Pensions.

By Mr. CARTER: A bill (H. R. 10974) for the relief of Carl Holm; to the Committee on World War Veterans' Legislation.

By Mr. CRAIL: A bill (H. R. 10975) for the relief of William M. Cavanaugh; to the Committee on Military Affairs.

Also, a bill (H. R. 10976) granting an increase of pension to Elizabeth Parmelee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10977) granting an increase of pension to Sterrett E. McNulty; to the Committee on Pensions.

By Mr. CROWTHER: A bill (H. R. 10978) granting an increase of pension to Nancy E. Ostrom; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10979) granting an increase of pension to Mary L. Seeley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10980) granting an increase of pension to Cynthia Stiles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10981) granting an increase of pension to Almira S. Peck; to the Committee on Invalid Pensions.

By Mr. CULLEN: A bill (H. R. 10982) for the relief of Charles Curtis (Inc.); to the Committee on War Claims.

By Mr. DENISON: A bill (H. R. 10983) granting an increase of pension to Laura Heaton; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 10984) granting an increase of pension to Sarah H. Day; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10985) granting an increase of pension to Susie E. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10986) granting an increase of pension to Missouri Bunch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10987) granting an increase of pension to Christina Figgemeier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10988) granting an increase of pension to Jane Davis; to the Committee on Invalid Pensions.

By Mr. EATON: A bill (H. R. 10989) granting an increase of pension to Mary A. Savidge; to the Committee on Invalid Pensions.

By Mr. ENGLEBRIGHT: A bill (H. R. 10990) for the relief of Gordon C. Bennett; to the Committee on Claims.

By Mr. ROY G. FITZGERALD: A bill (H. R. 10991) granting a pension to Mary A. Karnehm; to the Committee on Pensions.

By Mr. FURLOW: A bill (H. R. 10992) granting a pension to Abbie S. Miller; to the Committee on Pensions.

By Mr. GARBER: A bill (H. R. 10993) granting a pension to Hannah Elizabeth Rector; to the Committee on Invalid Pensions.

By Mr. GARNER of Texas: A bill (H. R. 10994) granting a pension to George P. Durham; to the Committee on Pensions.

By Mr. HALL of Indiana: A bill (H. R. 10995) for the relief of Charles E. Reyburn; to the Committee on Claims.

By Mr. JAMES: A bill (H. R. 10996) granting a pension to Emma Obenhoff; to the Committee on Pensions.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 10997) granting an increase of pension to Alice R. Husted; to the Committee on Invalid Pensions.

By Mrs. LANGLEY: A bill (H. R. 10998) for the relief of Eliza Jane Wells; to the Committee on War Claims.

Also, a bill (H. R. 10999) granting an honorable discharge to S. W. Greer; to the Committee on Military Affairs.

By Mr. LEATHERWOOD: A bill (H. R. 11000) granting a pension to Caleb D. Brinton; to the Committee on Pensions.

Also, a bill (H. R. 11001) for the relief of Maj. O. S. McCleary, United States Army, retired; to the Committee on Claims.

By Mr. LOZIER: A bill (H. R. 11002) granting a pension to Louisa F. Wagaman; to the Committee on Invalid Pensions.

By Mr. McKEOWN: A bill (H. R. 11003) granting an increase of pension to Susan Hunziker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11004) granting an increase of pension to Manda Harris; to the Committee on Invalid Pensions.

By Mr. MANLOVE: A bill (H. R. 11005) granting an increase of pension to Amanda Gilbert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11006) granting an increase of pension to Mary L. Dunham; to the Committee on Invalid Pensions.

By Mr. MEAD: A bill (H. R. 11007) granting a pension to Ida Wilkinson; to the Committee on Pensions.

By Mr. RUBEY: A bill (H. R. 11008) granting an increase of pension to Nancy Jane Wilson; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 11009) granting an increase of pension to Amanda Russell; to the Committee on Invalid Pensions.

By Mr. SMITH: A bill (H. R. 11010) granting an increase of pension to Adam Roth; to the Committee on Pensions.

By Mr. SPEAKS: A bill (H. R. 11011) granting an increase of pension to Martha E. Twaddle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11012) granting an increase of pension to Rosanah H. Bradley; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 11013) granting an increase of pension to Lydia A. Bader; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 11014) for the relief of Don C. Fees; to the Committee on Claims.

By Mr. VINSON of Kentucky: A bill (H. R. 11015) granting an increase of pension to Roena C. Caskey; to the Committee on Invalid Pensions.

By Mr. WHITE of Colorado: A bill (H. R. 11016) granting an increase of pension to Judith T. Whiteford; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3826. By Mr. ALDRICH: Petition of Ella Hokerson and 23 others, of Providence, R. I., protesting against passage of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3827. By Mr. ALLEN: Petition of citizens of Moline, Ill., urging Congress to enact the Civil War veteran pension bill; to the Committee on Invalid Pensions.

3828. By Mr. BACHMANN: Petition of Mary Bidgood and 43 signatures of citizens of Wheeling, Ohio County, W. Va., protesting against the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3829. By Mr. BUCKBEE: Petition of the Rockford City Fire Department, in favor of House bill 9346 and Senate bill 2852, to increase the salary of the fire and police departments of the city of Washington; to the Committee on the District of Columbia.

3830. By Mr. BURTON: Memorial of citizens of Pocopson, Pa., protesting against the proposed naval construction program; to the Committee on Naval Affairs.

3831. Also, petition of citizens of Harrisburg, Pa., urging the passage of House Joint Resolution 1, prohibiting the shipment

of arms, etc., to aggressor nations; to the Committee on Foreign Affairs.

3832. Also, memorial of various citizens of Whittier and Springville, Iowa, protesting against the proposed program for naval expansion; to the Committee on Naval Affairs.

3833. By Mr. CANFIELD: Resolution of Edward Jameson, commander, and Nicholas Zimmer, adjutant and quartermaster, of the Robert Huff Post, No. 89, Grand Army of the Republic, of Lawrenceburg, Ind., asking for immediate relief for Civil War veterans and their widows as set out in the resolution; to the Committee on Invalid Pensions.

3834. By Mr. CARTER: Petition of Frederick W. Dunster and many others, of Berkeley, Calif., urging the passage of legislation increasing the pensions of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

3835. By Mr. CHALMERS: Petitions against compulsory Sunday observance signed by residents of Toledo, Ohio; to the Committee on the District of Columbia.

3836. By Mr. CRAIL: Petition of the Los Angeles Branch of the Women's International League for Peace and Freedom, protesting against the gigantic naval-armament construction program; to the Committee on Naval Affairs.

3837. Also, petitions in the form of telegrams voicing protest against armament program before Congress; to the Committee on Naval Affairs.

3838. Also, petition of H. S. Hazeltine, against putting immigration from Mexico on a quota basis; to the Committee on Immigration and Naturalization.

3839. By Mr. CURRY: Petition of citizens of third California district, against House bill 78; to the Committee on the District of Columbia.

3840. Also, petition of 2,049 residents of the third district of California, protesting against the enactment of the Lankford Sunday bill for the District of Columbia; to the Committee on the District of Columbia.

3841. By Mr. DENISON: Petition of various citizens of Mankanda, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill, in order that relief may be accorded to needy and suffering veterans and their widows; to the Committee on Invalid Pensions.

3842. Also, petition of various citizens of Pinckneyville, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and their widows; to the Committee on Invalid Pensions.

3843. Also, petition of various citizens of Perry County, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

3844. By Mr. ESTEP: Petition of Allegheny County Grand Army Association, Pittsburgh, urging that any and all legislation in the interests of relief for surviving veterans and the widows of veterans of the Civil War be given favorable consideration; to the Committee on Invalid Pensions.

3845. By Mr. EVANS of Montana: Petition of Charles Stanton and other residents of Hamilton, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3846. Also, petition of Mrs. A. L. Lyman and other residents of Darby, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3847. Also, petition of Mrs. Frank Cooper, of Missoula, Mont., and residents of Darby, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3848. Also, petition of Mrs. L. J. Van Houten and other residents of Custer, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3849. Also, petition of Mrs. Bird Baugher and other residents of Missoula, Mont., protesting against the passage of House bill 78, the Lankford Sunday observance bill; to the Committee on the District of Columbia.

3850. By Mr. W. T. FITZGERALD: Petition of professors, pastors, and students of Witmarsum Seminary, Bluffton, Ohio, protesting against the passage of the Navy bill, as a means of leading the Nation into war; to the Committee on Naval Affairs.

3851. Also, memorial of the First Mennonite Church of Bluffton, Ohio, urging the defeat of the naval appropriation program; to the Committee on Naval Affairs.

3852. By Mr. FOSS: Indorsement by Capt. John Joslin, jr., Chapter of the Daughters of the American Revolution of House Resolution No. 2, regulation of a flag code; to the Committee on the Judiciary.

3853. By Mr. HAWLEY: Petition of residents of Sitkum, Canby, Newberg, 6 petitions of residents of Salem, petition of



residents of Kerby, Dayton, Milwaukee, Monmouth, Eagle Creek, Harlan, Monroe, 2 petitions of residents of Eugene, 3 of Silverton, 18 of Coos County, 1 of Lincoln County, 1 of Linn County, 1 of Polk County, 2 of Clackamas County, 3 of Marion County, 8 of Lane County, and 9 of the first congressional district, all in the State of Oregon, against the Lankford bill (H. R. 78); to the Committee on the District of Columbia.

3854. By Mr. HICKEY: Petition of DeWitt S. Osgood and other citizens of Elkhart, Ind., opposing the compulsory Sunday observance bill; to the Committee on the District of Columbia.

3855. By Mr. HOOPER: Petition of Charles S. Loud and 110 other residents of Calhoun County, Mich., urging to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune for relief of needy and suffering veterans and widows of veterans; to the Committee on Invalid Pensions.

3856. By Mr. HOUSTON of Hawaii: Petition of the Hon. W. R. Farrington, Governor of the Territory of Hawaii, and 46 other citizens of the Territory of Hawaii, urging the increase of pensions of certain veterans of the Civil War to \$95 per month; to the Committee on Invalid Pensions.

3857. By Mr. WILLIAM E. HULL: Petition of Isabelle Davis and other citizens of Peoria, Ill., for increase of pension of widows of Civil War veterans; to the Committee on Invalid Pensions.

3858. Also, petition of D. N. Phenix and other citizens of Bradford, Ill., for increase of pension of widows of Civil War veterans; to the Committee on Invalid Pensions.

3859. By Mr. JOHNSON of Texas: Petition of Jefferson County, Tex., Chapter of the Reserve Officers' Association of the United States, favoring the creation of a department of national defense, with three equal branches, namely, (a) Army, (b) Navy, and (c) Air; to the Committee on Military Affairs.

3860. Also, petition of Hearne Chamber of Commerce, of Hearne, Tex., opposing the Box Mexican immigration bill; to the Committee on Immigration and Naturalization.

3861. By Mr. JOHNSON of Washington: Petition of Elder A. R. Bell and 1,501 other citizens of Tacoma, Wash., opposing compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3862. Also, petition of Tacoma Council of Parent-Teacher Associations, favoring the Curtis-Reed education bill; to the Committee on Education.

3863. Also, petition of 33 citizens of Elma, Wash., opposing compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3864. Also, petition of V. O. Wallace and 31 other citizens of Chehalis, Wash., opposing compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3865. By Mr. KORELL: Petition of citizens of Portland, Oreg., protesting against the enactment of compulsory Sunday observance legislation, and particularly against House bill 78; to the Committee on the District of Columbia.

3866. By Mr. LAGUARDIA: Petition of Republican county committeemen and committee women of the third assembly district, county of Queens, New York City, urging increase of pension for Civil War veterans; to the Committee on Invalid Pensions.

3867. By Mr. LETTS: Petition of Gerald Meyer and other citizens, of Davenport, Iowa, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3868. By Mr. LINDSAY: Petition of adjutant general, State of New York, for restoration of allowances made by the Budget for the National Guard, providing adequate funds for armory drills and camps of instruction; to the Committee on Appropriations.

3869. By Mr. LINTHICUM: Petition of Mrs. John N. Parker, Miss Lillian Bulla, Miss Florence L. Hooper, Mrs. Arthur K. Taylor, Mrs. Mary V. Campbell, Franklin O. Curtis, Eleanor D. Smith, Richard J. White, and others, of Baltimore, registering opposition to the naval construction bill; to the Committee on Naval Affairs.

3870. Also, petition of Stanley F. Burrows, Bethesda, Md.; E. B. Clark, Baltimore; Francis M. Caulfield; and Miss Martha F. Fennelly, indorsing House bill 25; to the Committee on the Civil Service.

3871. Also, petition of Samuel M. Dell & Co., Baltimore, and Baltimore Association of Commerce, Baltimore, urging passage of House bill 9195, Cuban parcel post bill; to the Committee on Ways and Means.

3872. Also, petition of Baltimore Association of Commerce and Maryland Bankers' Association of Baltimore, Md., registering opposition to Senate bill 744, on the American merchant marine; to the Committee on the Merchant Marine and Fisheries.

3873. Also, petition of Thanhouser & Weiller, the Gandy Belt-ing Co., Lewis W. Lake, and M. S. Levy & Sons, all of Baltimore, Md., urging legislation for Mississippi Valley flood control be passed; to the Committee on Flood Control.

3874. By Mr. LUCE: Petition of A. C. Walton, Needham, Mass., regarding amendment to the civil service retirement act; to the Committee on the Civil Service.

3875. By Mr. McDUFFIE: Petition of citizens of Gilbertown, Ala., protesting against the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3876. By Mr. McKEOWN: Petition of Susan Hunzeken and others, urging the passage of Civil War pension bill; to the Committee on Invalid Pensions.

3877. Also, petition of Manda Harris and other citizens of Kindrick, Okla., urging an increase for Civil War veterans and their widows; to the Committee on Invalid Pensions.

3878. Also, petition of Leonard Crawford and 70 other citizens of Shawnee, Okla., protesting the passage of any compulsory Sunday observance bill; to the Committee on the District of Columbia.

3879. By Mr. MAPES: Petition of 17 residents of Ada, Mich., advocating the enactment of additional legislation for the benefit of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

3880. Also, petition of 55 residents of Grand Rapids, Mich., and vicinity, advocating the enactment of additional legislation for the benefit of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

3881. By Mr. MEAD: Petition of residents of Buffalo, N. Y., in opposition to Senate bill 1667; to the Committee on Interstate and Foreign Commerce.

3882. By Mr. Miller: Petition of citizens of Bremerton, Wash., protesting passage of House bill 78, the District Sunday closing law; to the Committee on the District of Columbia.

3883. By Mr. MORIN: Petition of the Allegheny County Grand Army Association, of Pittsburgh, Pa., urging passage of such pension legislation as will bring the much needed relief to the surviving veterans and the widows of veterans of the Civil War; to the Committee on Pensions.

3884. By Mr. MORROW: Petition of five different congregations of churches in East Las Vegas, N. Mex., favoring enactment of Stalker bill (H. R. 9588), increasing penalties for violation of Volstead act, presented by Mrs. Viola Phillips, secretary Women's Christian Temperance Union; to the Committee on the Judiciary.

3885. Also, petition of game and fish commission of New Mexico indorsing McSweeney-McNary bill, increasing facilities of Department of Agriculture for research in forestry; to the Committee on Agriculture.

3886. Also, petition of pastor and members of Presbyterian Church, Las Cruces, N. Mex., opposing proposed naval program, submitted by Miss Anna R. Hadley, representing the valley federation of missionary societies; to the Committee on Naval Affairs.

3887. By Mr. MURPHY: Petition of Mrs. Laura Garside and 15 others, of Salem, Ohio, praying for the passage of Civil War pension bill; to the Committee on Invalid Pensions.

3888. By Mr. NEWTON: Petition of O. L. Hilde, of Minneapolis, and others, against Sunday compulsory observance; to the Committee on the District of Columbia.

3889. By Mr. O'CONNELL: Petition of H. McCoy Clements, financial corresponding secretary and treasurer of Lodge No. 50, International Brotherhood of Boiler Makers and Iron Ship Builders and Helpers of America, Charleston, S. C., favoring the elimination of the continuous-service clause in the Federal employees' retirement bill; to the Committee on the Civil Service.

3890. By Mr. PRALL: Resolutions passed and adopted unanimously by the National Guard Association of the State of New York, in convention assembled in Albany, N. Y., received from Capt. William J. Mangine, secretary National Guard Association, Albany, N. Y.; to the Committee on World War Veterans' Legislation.

3891. Also, resolution passed and adopted by the National Guard Association of the State of New York, in convention assembled in Albany, N. Y., January 13 and 14, 1928, received from Capt. William J. Mangine, secretary of the National Guard Association, Albany, N. Y.; to the Committee on World War Veterans' Legislation.

3892. By Mr. RAMSEYER: Petition of residents of sixth congressional district of Iowa, protesting against the passage of House bill 78 or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3893. By Mr. REED of New York: Petition indorsing Civil War pension bill from residents of Chautauqua and Little Valley, N. Y.; to the Committee on Invalid Pensions.

3894. Also, petition of residents of Arkport and West Almond, N. Y., protesting against House bill 78; to the Committee on the District of Columbia.

3895. By Mrs. ROGERS: Petition of Osborne L. Smith, secretary of the Seventh Day Adventist Church, of 98 Marginal Street, Lowell, Mass., with 38 signatures of citizens of Lowell, Mass., against compulsory Sunday observance bill (H. R. 78) or any other similar proposed measure; to the Committee on the District of Columbia.

3896. By Mr. RUBEY: Petition of citizens of sixteenth district of Missouri, protesting against the passage of the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3897. Also, petition by citizens of Wright County, Mo., urging passage of legislation for increased pensions to Civil War veterans and their widows; to the Committee on Invalid Pensions.

3898. By Mr. SHREVE: Petition by a large number of citizens of Spartansburg, Pa., for the immediate passage of pension relief for veterans of the Civil War and their widows, sponsored by the National Tribune; to the Committee on Invalid Pensions.

3899. Also, petition by numerous citizens of Erie, Pa., for the immediate passage of the pension relief bill sponsored by the National Tribune; to the Committee on Invalid Pensions.

3900. Also, petition by numerous citizens of Erie, Pa., protesting against the passage of the Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3901. By Mr. SMITH: Communication signed by S. J. Kenepf and other residents of Payette, Idaho, favoring the settlement of international controversies by arbitration, and opposing unreasonable expenditures in enlarging the Navy and Army; to the Committee on Military Affairs.

3902. By Mr. SPEAKS: Petition by Mrs. Effie Makes Russell and some 55 citizens of Columbus, Ohio, urging the enactment of legislation increasing pension rates for Civil War soldiers and survivors; to the Committee on Invalid Pensions.

3903. By Mr. STRONG of Pennsylvania: Petition of 152 citizens of Callensburg, Pa., urging immediate action of Congress on a bill to increase the rates of pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

3904. By Mr. THOMPSON: Petition of citizens of Latty, Ohio, protesting against House bill 78, the Sunday observance bill; to the Committee on the District of Columbia.

3905. By Mr. TIMBERLAKE: Petition protesting against placing Mexican agricultural immigration on quota basis; to the Committee on Immigration and Naturalization.

3906. Also, petition from Colorado State Farm Bureau, opposing further Mexican immigration restriction as proposed in Box bill; to the Committee on Immigration and Naturalization.

3907. By Mr. WATSON: Resolution passed by the Doylestown (Pa.) Council, No. 40, Sons and Daughters of Liberty, favoring House bill 5473, to provide for the registration of aliens, and for other purposes; to the Committee on Immigration and Naturalization.

3908. Also, resolution passed at the Falls monthly meeting of Friends, held at Fallsington, Pa., February 9, 1928, in opposition to a large naval program; to the Committee on Naval Affairs.

3909. Also, resolution passed by the Colony Club, Ambler, Pa., in opposition to an increased naval program; to the Committee on Naval Affairs.

3910. Also, petition from Wrightstown, Pa., monthly meeting of Friends, in opposition to proposed increased naval program; to the Committee on Naval Affairs.

3911. Also, resolution passed at a meeting of the Makefield Liberty Club, in opposition to the proposed increased naval program; to the Committee on Naval Affairs.

## SENATE

WEDNESDAY, February 15, 1928

(Legislative day of Monday, February 13, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Broussard	Deneen	Gerry
Barkley	Bruce	Dill	Gillett
Bayard	Capper	Edge	Glass
Bingham	Caraway	Edwards	Gooding
Black	Copeland	Ferris	Gould
Blaine	Couzens	Fess	Greene
Borah	Curtis	Fletcher	Hale
Bration	Cutting	Fraxier	Harris
Brookhart	Dale	George	Harrison

Hawes	Mayfield
Hayden	Metcalf
Hedin	Moses
Howell	Neely
Johnson	Norbeck
Jones	Norris
Kendrick	Nye
Keyes	Oddie
King	Overman
La Follette	Phipps
McKellar	Pine
McLean	Pittman
McMaster	Ransdell
McNary	Reed, Mo.

Reed, Pa.
Robinson, Ark.
Robinson, Ind.
Sackett
Schall
Sheppard
Shipstead
Shortridge
Simmons
Smith
Smoot
Steck
Steiner
Stephens

Swanson
Thomas
Trammell
Tydings
Tyson
Wagner
Walsh, Mass.
Walsh, Mont.
Warren
Waterman
Watson
Wheeler
Willis

The VICE PRESIDENT. Ninety-one Senators having answered to their names, a quorum is present.

### BATTERY ISLAND FISHERIES STATION, MD.

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of Commerce, transmitting a draft of proposed legislation recommended by the department to authorize the sale of the land and improvements known as Battery Island Fisheries Station, Md., which, with the accompanying paper, was referred to the Committee on Commerce.

### PETITIONS AND MEMORIALS

Mr. PITTMAN. Mr. President, I present and ask to have printed in the RECORD and referred to the Committee on Agriculture and Forestry Joint Resolution 2 of the Legislature of the State of Nevada, which is entitled "Assembly joint resolution memorializing the Secretary of Agriculture of the United States to continue in effect his Federal quarantine against importation into the United States of livestock and livestock products from foreign countries where foot-and-mouth disease is known to exist."

There being no objection, the resolution was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Assembly Joint Resolution 2 (Mr. Winter), memorializing the Secretary of Agriculture of the United States to continue in effect his Federal quarantine against importation into the United States of livestock and livestock products from foreign countries where foot-and-mouth disease is known to exist

[Approved February 3, 1928]

Whereas reports are being circulated that the present Federal Government quarantine against importation to the United States of livestock, meats, hides, and similar livestock products from foreign countries where foot-and-mouth disease is known to exist may be abolished or modified; and

Whereas foot-and-mouth disease is known to be one of the most destructive of the contagious and infectious diseases affecting livestock, its appearance in this country, based upon past experience, not only causing terrific losses of livestock, but requiring control measures necessitating drastic restriction of movement of all kinds of commerce in the areas affected as well as large expenditure of public funds: Therefore be it

Resolved by the Assembly and Senate of the State of Nevada, That we indorse and approve the action of the Secretary of Agriculture of the United States in establishing the aforesaid quarantine and most strongly urge upon him the necessity and desirability of its continuance in force against all foreign countries where foot-and-mouth disease exists; and be it further

Resolved, That copies of this resolution, duly authenticated by the proper officials of the State of Nevada, be sent to the Hon. W. M. Jardine, Secretary of Agriculture of the United States, and to each Member of the Nevada delegation in the Congress of the United States.

MORLEY GRISWOLD,  
President of the Senate.  
V. R. MERRILL,  
Secretary of the Senate.  
DOUG H. TANDY,  
Speaker of the Assembly.  
JOHN W. WRIGHT,  
Chief Clerk of the Assembly.

### STATE OF NEVADA.

#### Department of State, ss:

I, W. G. Greathouse, the duly elected, qualified, and acting secretary of state of the State of Nevada, do hereby certify that the foregoing is a true, full, and correct copy of the original Assembly Joint Resolution No. 2, introduced by Mr. Winter, approved February 3, 1928, now on file and of record in this office.

In witness whereof I have hereunto set my hand and affixed the great seal of State at my office in Carson City, Nev., this 10th day of February, A. D. 1928.

[SEAL.]

W. G. GREATHOUSE,  
Secretary of State.

Mr. PITTMAN. I also present and ask to have printed in the RECORD and referred to the Committee on Post Offices and Post Roads, Assembly Joint Resolution 1, of the Legislature of the State of Nevada, memorializing Congress relative to